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Council Journal

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COUNCIL JOURNAL

OF THE

EIGHTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY

OF

D A K O T A,

BEGUN AND HELD AT YANKTON, THE CAPITAL OF SAID TERRITORY, ON MONDAY, DECEMBER 7th, A. D. 1868, AND CONCLUDED JANUARY 15th, A. D. 1869.

YANKTON, DAKOTA TERRITORY,
M'INTYRE & FOSTER, PUBLIC PRINTERS, UNION AND DAKOTAIAN OFFICE.
1869.

COUNCIL JOURNAL.

COUNCIL JOURNAL.

FIRST DAY.

TERRITORY OF DAKOTA,
COUNCIL CHAMBER,
Yankton, Monday, December 7th, 1868.

On the seventh day of December A. D. 1868, being the day provided by law for the convening of the Legislative Assembly of the Territory of Dakota, the members of the council of said assembly met in the council chamber, of the capitol, at Yankton, at 12 o'clock M., and proceeded to organize in the following manner:

Council called to order by Geo. I. Foster, former secretary, and the roll of members called.

The following gentlemen responded to their names:

Union County—R. R. Green, Geo. W. Kellogg, N. J. Wallace.

Clay County—H. J. Austin, Aaron Carpenter, A. N. Hampton.

Yankton County—W. W. Brookings, W. W. Benedict, Charles H. McIntyre, Chas. F. Rossteuscher.

Bon Homme County—Hugh Fraley.

Chas. Mix County— ——— ———

Todd County—J. A. Lewis.

R. I. Thomas of Chas. Mix county, absent.

On motion of Hon. W. W. Brookings,

The member elected to fill vacancy, N. J. Wallace was sworn in as a member of council by Chief Justice Bartlett.

On motion of Mr. Rossteuscher,

The council proceeded to the election of permanent officers.

33549

Whereupon Mr. Wallace nominated the Hon. W. W. Brookings for president.

Mr. Kellogg nominated Hon. H. J. Austin.

A vote being taken with the following result:

Mr. Brookings received eight votes.

Mr. Austin received one vote.

Mr. Wallace received one vote, as follows:

Those voting for Mr. Brookings, were

Messrs. Austin, Benedict, Carpenter, Green, Hampton, McIntyre, Rossteuscher and Wallace—8.

Those voting for Mr. Austin, were

Mr. Kellogg—1.

Mr. Brookings voted for Mr. Wallace.

Not voting, Messrs. Fraley and Lewis.

It appearing that Mr. Brookings had received a majority of all the votes cast, he was declared duly elected president of the council.

Mr. Rossteuscher moved that a committee of two be appointed to escort the president elect to the chair.

Which motion prevailed.

Messrs. Rossteuscher and Austin were appointed such committee.

The committee having discharged that duty,

The President took the chair and said:

GENTLEMEN OF THE COUNCIL:—The confiding kindness and partiality which you have been pleased to manifest in my behalf upon this occasion, is accepted with mingled feelings of gratitude and anxiety, for whilst fully appreciating the kind favor which you have been pleased with so much unanimity to bestow upon me, I am not unmindful of the many arduous and responsible duties which pertain to the position I am called upon to occupy. Invoking the guidance of Him who holds the destiny of nations in the hollow of His hand I enter upon the duties of this trying position, with a heart filled with gratitude for the unusually flattering manner in which it has been bestowed, and cheered by the hope that it betokens your cordial support and assistance in all its grave responsibilities.

The usual oath was then administered to the President by the Honorable Ara Bartlett.

The president then announced as the order of business the election of officers of the council for the present session.

Mr. Carpenter nominated A. F. Shaw, for secretary.

Mr. Kellogg nominated Mr. Lent,

And a vote being taken,

Mr. Shaw received nine votes.

Mr. Lent received one vote, as follows:

Those voting for Mr. Shaw, were

Messrs. Austin, Benedict, Carpenter, Green, Hampton, McIntyre, Rossteuscher, Wallace and Mr. President—9.

Those voting for Mr. Lent, were

Mr. Kellogg.

Messrs. Fraley and Lewis not voting.

It appearing that Mr. Shaw had received a majority of all the votes cast, he was declared duly elected secretary of the council.

Mr. Wallace nominated Mr. W. S. Smith for assistant secretary.

Mr. Kellogg nominated Mr. McMillan.

The roll being called,

Mr. Smith received 9 votes.

Mr. McMillan receiveed 2 votes, as follows:

Those voting for Mr. Smith, were

Messrs. Austin, Benedict, Carpenter, Green, Hampton, McIntyre, Rossteuscher, Wallace and Mr. President—9.

Those voting for Mr. McMillan, were

Messrs. Fraley and Kellogg.

Not voting, Mr. Lewis.

It appearing that Mr. Smith had received a majority of all the votes cast, he was declared duly elected assistant secretary of the council.

Mr. Rossteuscher nominated Mr. Adolph Mauksch as enrolling clerk.

There being no other nomination, and a vote being taken

Mr. Mauksch was declared duly elected enrolling clerk for the council.

Mr. Rossteuscher nominated Iver Bagstadt as sergeant-at-arms.

Mr. Kellogg nominated Mr. Bryan.

The roll being called,

Mr. Bagstadt received 9 votes.

Mr. Bryan received 2 votes, as follows:

Those voting for Mr. Bagstadt, were

Messrs. Austin, Benedict, Carpenter, Green, Hampton, Lewis, McIntyre, Rossteuscher, Wallace and Mr. President.

Those voting for Mr. Bryan, were

Messrs. Fraley and Kellogg.

It appearing that Mr. Bagstadt had received a majority of all the votes cast, he was declared duly elected sergeant-at-arms of the council.

Mr. Kellogg nominated T. J. Edwards as fireman.

No other nominations being made and a vote being taken,

Mr. Edwards was declared duly elected fireman of the council.

Mr. Green nominated Mr. P. M. Hussington as messenger,

No other nomination being made and a vote being taken,

Mr. Hussington was declared duly elected messenger of the council.

Mr. Benedict nominated Rev. M. Hoyt as chaplain,

No other nomination being made and a vote being taken,

Mr. Hoyt was declared duly elected chaplain of the council.

The election of permanent officers being concluded,

The officers elect came forward and took the oath of office, which was administered by Chief Justice Bartlett, and they severally entered immediately upon the duties of their respective offices.

Mr. Rossteuscher submitted the following resolution:

Resolved, That the secretary be instructed to inform the house that the council is now permanently organized by the election of the following officers:

President—W. W. Brookings.

Secretary—Amos F. Shaw.

Assistant Secretary—W. S. Smith.

Enrolling Clerk—Adolph Mauksch.

Sergeant-at-arms—Iver Bagstadt.

Messenger—P. M. Hussington.

Fireman—T. J. Edwards.

Chaplain—M. Hoyt.

The resolution was adopted.

Mr. Austin presented the credentials of C. F. Campbell as a member of the council from Charles Mix County, accompanied by the resignation of R. I. Thomas.

Mr. Benedict presented a petition signed by B. E. Wood, claiming the seat of R. I. Thomas, and giving notice of his intention to contest for the same.

Mr. Kellogg moved that C. F. Campbell be sworn in as a member of the council from Chas. Mix County.

Motion lost.

The president appointed as a permanent committee on elections, Messrs. Hampton, Kellogg and Rossteuscher.

Mr. Rossteuscher moved that all papers in the Campbell–Thomas–Wood case be referred to the committee on elections.

The motion prevailed.

Mr. Rossteuscher moved the council take a recess.

Which motion prevailed.

Council called to order.

Sergeant-at-arms announced the chief clerk of the house, who made the following communication:

HOUSE OF REPRESENTATIVES,
December 7th, 1868.

MR. PRESIDENT:—I am instructed to inform the council of the passage of the following resolution, to-wit:

Resolved, That the chief clerk be instructed to inform the council that the house is permanently organized by the election of the following officers, to-wit:

Speaker—Hon. G. C. Moody.

Chief Clerk—Geo. I. Foster.

Assistant Clerk—Edward D. Barker.

Enrolling Clerk—Edwin Gillham.

Sergeant-at-arms—Geo. W. Owen.

Messenger—Andrew Erickson.

Fireman—Christian B. Larson.

Chaplain—Jas. C. Damon.

GEO. I. FOSTER,
Chief Clerk.

Mr. Kellogg introduced the following resolution:

Resolved, That the rules of the last session of the council be adopted for the temporary government of this body.

Which resolution was adopted.

Mr. Green moved that the Hon. Secretary be requested to furnish each member and officer of the council six copies each of the *Union & Dakotaian*, and *Dakota Republican*.

Which motion prevailed.

Mr. McIntyre submitted the following resolution:

Resolved, That a committee of three be appointed to meet a like committee on the part of the house to draft joint rules for the government of the two houses.

C. H. McINTYRE.

Which resolution was adopted,

Whereupon the chair appointed Messrs. McIntyre, Lewis and Austin.

Mr. Rossteuscher moved that the council take a recess.

Which motion prevailed.

Council called to order.

Mr. Kellogg introduced the following resolution:

Resolved, That a committee of three be appointed to draft rules for the government of the council.

Which resolution was adopted.

Whereupon the chair appointed Messrs. Kellogg, Wallace and McIntyre such committee.

Mr. McIntyre submitted the following resolution:

Resolved, That a committee of three be appointed by the president to unite with a like committee of the house to wait upon His Excellency, the Governor, and inform him that the two houses are permanently organized and ready to receive any communication he may be pleased to make.

C. H. McINTYRE.

Which resolution was adopted.

And Messrs. McIntyre, Fraley and Green appointed such committee.

Mr. Hampton moved that the council adjourn.

The sergeant-at arms announced the chief clerk of the house, who made the following communication,

Mr. Hampton having withdrawn his motion to adjourn:

HOUSE OF REPRESENTATIVES,
December 7th, 1868.

MR. PRESIDENT:—I am instructed to inform the council that the house has adopted the following resolution, to-wit:

Resolved, That the speaker appoint a committee of three to act with a like committee on the part of the council, whose duty it shall be to wait upon His Excellency, the Governor, and inform him that the two houses are now permanently organized and await his pleasure.

GEO. I. FOSTER,
Chief Clerk.

Mr. Rossteuscher submitted the following resolution:

Resolved, That when this council adjourn, it adjourn to meet at ten o'clock a. m., to-morrow.

Which resolution was adopted.

On motion of Mr. Lewis,

Council adjourned.

W. W. BROOKINGS,
President.

A. F. SHAW,
Secretary.

SECOND DAY.

COUNCIL CHAMBER,
Tuesday, December 8th, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Austin, Benedict, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wallace, and Mr. President.

Journal of the seventh instant read and approved.

Mr. Rossteuscher moved that the name of R. I. Thomas be stricken from the roll.

Motion withdrawn.

Mr. Rossteuscher gave notice that on to-morrow or some subsequent day of the session he would ask leave to introduce a bill entitled

"An act to authorize the county commissioners of Yankton County to raise money for the erection of a jail;" also "An act defining the qualifications to hold office in the Territory of Dakota."

Mr. Kellogg gave notice that on to-morrow or some subsequent day of the session he will introduce a bill to prevent the driving into the Territory of Dakota, Texas cattle, from Texas and Florida.

REPORTS OF COMMITTEES.

Mr. McIntyre, from joint committee, to wait upon His Excellency, the Governor, and inform him that the two houses are permanently organized, made the following report:

Your committee appointed to act in conjunction with a similar committee on the part of the house, to wait upon His Excellency, the Governor, and inform him that the two houses of the legislature are permanently organized, and are waiting any communication he might be pleased to make, would report they have performed the duty assigned them, and that His Excellency, the Governor, will communicate to the two houses at eleven o'clock.

C. H. McINTYRE,
Chairman.

Report accepted.

Mr. Rossteuscher submitted the following resolution:

Resolved, That this council invite the house to meet in joint convention in this hall at eleven o'clock a. m. for the purpose of receiving the Governor's Message, and that the secretary be instructed so to inform the house.

The resolution was adopted.

Mr. Rossteuscher submitted the following resolution:

Resolved, That the chair appoint a committee of three to escort the house to the hall of this council to meet in joint convention.

Which motion prevailed,

And the chair appointed as such committee

Messrs. Rossteuscher, Lewis and Austin.

Mr. Lewis moved the house take an indefinite recess.

Which motion prevailed.

Council called to order by the president.

The following communication received from the house:

HOUSE OF REPRESENTATIVES,
Tuesday, December 8th, 1868.

MR. PRESIDENT:—I am instructed to inform the council that the house has adopted the following resolution, to-wit:

Resolved, That the house will meet the council in joint convention in the hall of the council this day at eleven o'clock a. m., for the purpose of receiving the annual message of His Excellency, the Governor, and for the purpose of transacting any other business that may properly come before the joint convention.

GEO. I. FOSTER,
Chief Clerk.

Messrs. Rossteuscher, Lewis and Austin, committee appointed to conduct the house now retired, and after a brief absence conducted the honorable members of the house to seats within the hall.

IN JOINT CONVENTION.

The president of the council presiding called the joint convention to order.

The chief clerk of the house and assistant secretary of the council were on motion of Mr. Rossteuscher instructed to act as clerks of the joint convention.

The roll being called,

The following gentlemen answered to their names, to-wit:

Members of the Council—Messrs. Austin, Benedict, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wallace, and Mr. President.

Members of the House—Messrs. Abbot, Bennett, Bradley, Brooks, Brouch, Clementson, Curtis, Eves, Gregory, Haggin,

Hewlett, Jameson, Jolley, Kegan, Keith, Larson, (Clay) Larson, (Yankton) La Roche, Moulin, Recker, Somers, Stutsman, Vinson, and Mr. Speaker.

Absent, Morris, Hamilton and Schoeder.

A quorum of each house being present,

The chair proclaimed the joint convention fully organized and ready for the business for which it was convened. Whereupon,

Mr. Gregory moved that a committee of two persons from each house be appointed to wait upon His Excellency, the Governor, and inform him that the two houses have assembled in joint convention and await his pleasure.

Which motion was agreed to. Whereupon,

The chair appointed Messrs. Gregory, Jolley, Lewis and Austin as such committee.

After a brief absence the committee, accompanied by His Excellency, the Governor, and staff, and government officials, returned and reported as follows:

MR. CHAIRMAN:—Your committee appointed to wait upon His Excellency, the Governor, and inform him that the joint convention of the legislative assembly is in session and awaiting his pleasure, have discharged that duty and have the honor to present His Excellency, the Governor.

His Excellency was then invited by the chairman of the joint convention, to the president's stand, where he delivered his third annual message, as follows:

GOVERNOR'S MESSAGE.

Gentlemen of the Council and House of Representatives:

The period for your annual assembling has again returned; on which occasion, in accordance with established custom, it becomes my duty to present, for your consideration, the condition of the Territory; and recommend such measures as seem to me to be expedient or necessary to promote the interests of the people, which have been committed to your charge. In welcoming you to the discharge of your various and important

duties, I may express my earnest hope that all your acts may be governed by the highest considerations of patriotism, and may redound to the benefit and prosperity of your constituents. It is a subject of congratulation that during the year that is past a beneficent Providence has blessed our people with prosperity in all their material interests, while the future is full of promise of continued mercies. The peace which signalized the previous year, has not been broken by any of the Indian tribes in our vicinity; the farmer has been rewarded with abundant crops; immigration has added largely to our population; and we have strong confidence that the new year, soon to dawn upon us, will have in store still greater progress and a higher degree of prosperity. In all that relates to our intellectual and moral advancement we have labored, and I think successfully, to keep pace with the spirit of the age. Our Internal Affairs have been managed with commendable wisdom. The laws have heretofore been sufficient for the proper regulation and good order of the community, and for the protection of life and property. The courts have been open for the redress of wrongs, and found adequate, except perhaps in that portion of the Territory known in our statutes as Laramie and Carter counties. There in those recently organized counties, on account of their remoteness from the established Judicial Districts of the Territory, a state of society bordering on anarchy has for a time existed; and which from unavoidable circumstances has been temporarily and imperfectly relieved, by the action of the Legislature during its last session, by the passage of an act embracing those counties within the boundaries of the Second Judicial District, and authorizing His Honor, the Chief Justice, to hold a term of court at the City of Cheyenne.

ORGANIZATION OF WYOMING.

Owing to rich discoveries of gold and other valuable minerals in that vicinity, and the construction of the Pacific Railroad through the southern portion of these counties, a large population was soon collected, which embraced, among others, many turbulent and lawless individuals, who were, practically, beyond the control of civil law; and whose crimes were of such a startling character as to compel the better class of citizens to resort to measures, deemed unavoidably necessary for the

protection of society, to reduce such refractory spirits to submission. The authority exercised, under such circumstances, by Vigilance Committees, finds many apologists—but to my judgment it is greatly to be deprecated,— and it is most earnestly hoped that the time is past when a resort to such measures can be in any degree palliated or justified. In my last Annual Message I alluded to this subject, and favored on that occasion the organization of those counties, by act of Congress, into a separate Territory, as the only practicable or effectual remedy for existing and apprehended social evils. In this I was cordially sustained by the Legislature, and by the unanimous voice of the people. In accordance with our wishes, an act creating a temporary government for Wyoming, which embraced those two counties, was passed by Congress, and approved July 25, 1868,—but, unfortunately, has not yet gone into practical operation, on account of the failure of Congress to make the necessary appropriation to defray expenses, and the non-appointment and confirmation of Territorial officers. This evil, however, is but temporary. But a short time can yet elapse until the machinery of a separate government will be in full operation in Wyoming, when, through the regular application of the civil laws, faithfully and speedily administered, crime will be suppressed, and the law abiding citizens will finally be relieved from the social disorders which have afflicted them. Under such auspicious circumstances, in view of the railroad facilities possessed by that Territory, and the vast beds of coal, and deposits of precious metals, which have already been developed, we may reasonably anticipate for Wyoming a career of prosperity which Eastern Dakota, with all its advantages, might well envy.

THE PENITENTIARY AND CAPITOL BUILDINGS.

In my last Annual Message I called your attention to an act of Congress, approved January 22, 1867, setting aside certain proceeds of Internal Revenue, for the erection of a Penitentiary in Dakota, namely: the nett proceeds, not exceeding forty thousand dollars, of the Internal Revenue for the fiscal year ending 30th June, 1866, and the two succeeding years thereafter. As such a building is greatly demanded by the

condition of the Territory, and as the past year has been one of unexpected growth in population, and general prosperity, especially in Laramie and Carter counties, it is reasonably anticipated that a surplus, after deducting the expense of collection, may be found to our credit, applicable to the purpose named. Should such be the case it will justify immediate measures to secure the early erection of this building, under the direction of the Secretary of the Interior.

For my views concerning the necessity of a Capitol building, I respectfully refer you to my last annual message. The reasons urged for pressing these subjects upon your attention increase in importance with the increase of population. And an appropriation for a suitable Capitol building, of a permanent character, should be obtained as speedily as possible, where the public records can be secured, and where the federal officials can be comfortably accommodated; and the ends of justice cannot be fully and satisfactorily met until ample accommodations for the courts, and for the confinement and punishment of criminals, are provided.

PROTECTION OF TERRITORIAL ARMS.

Your attention is again invited to the unprotected condition of the Territorial arms, a large portion of which yet remain without any effectual provision for their storage or safe keeping. I cannot avoid expressing the conviction that our past failure as regards these arms is extremely unwise, and a perseverance in such neglect will be a serious damage to that portion of the public property.

REPORTS OF TERRITORIAL OFFICERS.

I respectfully refer you to the reports of the Adjutant General, Territorial Auditor, Treasurer, and Superintendant of Public Instruction, for information regarding the condition of these several departments.

OUR COMMON SCHOOL SYSTEM.

While we labor to advance our material prosperity, it is a source of congratulation that intellectual culture is not neglected. Our common schools, based on the broadest and most philanthropic foundation, continue to grow in interest and importance; but it should not be forgotten that these nurseries

of freedom will always have strong claims on the most scrutinizing attention and fostering care of the Legislature. The strength, perfection and even the perpetuity of our system of government, depend on the intelligence of the masses. To such a people alone can self government be safely intrusted. When education is diffused, like the rays of the sun, into every town and neighborhood, without distinction between high and low, or rich or poor, we can then and only then realize the full force of the saying, that knowledge is power, and that it is the palladium of our national and individual safety. Every citizen of this Territory should exert a personal influence in favor of the success and enlarged influence of these schools, as every one must derive from them a personal benefit, either directly or indirectly, in the proper instruction of the youth of the Territory, and as a guarantee for the future faithful administration of the laws which are passed for his protection.

OUR INDIAN RELATIONS.

The condition of the Indian tribes in Dakota has remained the same, in relation to the white citizens, as during the previous year. They are still friendly, and show marked signs of progress in point of education and civilization. The Ponca and Yankton Indians deserve especial commendation for their faithful adherence to treaty stipulations, and for their industry and energy in the efforts put forth to obtain their subsistence by the cultivation of the soil, instead of by the chase. The trade of the Missouri river has met with but little interruption during the past year, from those less civilized and less friendly Indians, who roam through the Northwestern portion of the Territory.

Since your last meeting, I have received two lengthy petitions, from citizens of Union county, asking that steps may be taken for the removal of certain Indians, who occasionally encamp in the valley of the Big Sioux, or its tributaries, for hunting and trapping purposes, or in the course of their periodical travels across the Territory. The complaint is chiefly, as I am informed, against the Santees or Mississippi Sioux, whose temporary reservation is below the mouth of the Niobrara, in Nebraska, and whose past history in Minnesota is of such a character as naturally to inspire a feeling of alarm and inse-

curity among the settlers. So long as we have ample assurance that these Indians are friendly, and are confining themselves strictly to a harmless effort to obtain a subsistence by hunting, fishing, or trapping, on the unoccupied public lands, it seems to me that good policy, as well as the principles of justice, require that they be treated leniently at least, if not with friendship. It is not the policy of the Government to pen the friendly Indians up on Reservations, where at certain periods in the year they are in danger of starvation; but rather, in consideration of their poverty, and their uncivilized and unenlightened condition, to encourage them to make a peaceable effort to glean from the uninhabited prairies such subsistence as will supply their temporary and simple wants. Yet the complaint of the inhabitants named is entitled to serious and respectful consideration, not only from the Executive and Legislature, but from the Government. From the first settlement of these Minnesota Indians on our borders, we were led to believe that they were only placed there for a temporary purpose, and that they would soon be placed on a more permanent reservation, in some locality less dangerous and objectionable to the citizens, and more beneficial, because more settled and secure, for themselves. Up to the present time, however, nothing of importance has been done toward accomplishing so desirable an object. But now that the action and recommendation of the late Indian Peace Commission appear to have become the adopted policy of the Government, it is presumed that it would not be difficult, if an effort in that direction were properly made, to have these Indians removed to the new Indian District North of the Niobrara, and placed under the immediate supervision and control of Gen. Harney, who, in the capacity of Peace Commissioner, is now engaged, and it is believed successfully, in endeavoring to inaugurate and put in practical force the policy indicated. Such an effort, if successful, would most likely relieve the inhabitants of this source of irritation and alarm;—but which, if too long neglected, might involve us again in Indian conflicts, so disastrous and calamitous in their effects upon the newly formed settlements of this Territory.

THE INDIAN RESERVE OF WESTERN DAKOTA AND THE BLACK HILLS.

As intimated in my former message, that portion of Dakota, lying west of the Missouri river, and between the Yellowstone on the north and the Niobrara on the south, has been set apart for the exclusive use and occupation of the various tribes of Indians who have heretofore occupied the Platte and Powder river countries, and for other tribes who may accept the terms proposed by the late Indian Peace Commission. In that message I stated my objections, on behalf of the citizens of Dakota, against the policy foreshadowed by the act of Congress of July, 1867, appointing this commission, which were supported by a suitable memorial from the Legislature,—but, as it seems, without having received a favorable consideration from those who have in their hands, in a great measure, the control of our Territorial destinies.

While it becomes our duty to acquiesce in the final decision of the Federal authority, I see no reason to change the views I then expressed, as to the vast importance of the Black Hill country to the citizens who are destined to occupy this Territory; or as to the fact that an Indian District, which should embrace the minerals and pine timber of that region, could not, in view of the past Indian history of this country, be a permanent one. Nevertheless, the decision is against us; and whatever chagrin or disappointment may be felt, in consequence, we have but the alternative to submit, and render a loyal obedience to those in authority over us. We should be willing to give the experiment a fair and impartial trial. And though it destroys, for the present, the brightest hopes yet entertained for the future of Dakota, it may not be altogether without its compensating benefits. If we lose the pine timber so much in demand on the Missouri Slope, and the rich beds of minerals, the development of which, in our view, would soon have peopled that country with an industrious and enterprising population, we will gain additional markets for our merchandise, our stock and our grain, by the location and feeding of additional bands of Indians in the Valley of the Missouri. It will stimulate the raising of stock, and the production of cereals, required by this new demand upon our industry and our enter-

prise. It will be, of itself, no small inducement to immigration, to all such as design to live by agricultural labor; and will no doubt encourage those who have already opened up farms to increase the amount of land now under cultivation. And again,—the removal of the heretofore hostile Indians, by treaty, from the line of the new Pacific road, to the District named, where they are to be guaranteed absolute freedom from molestation, and the withdrawal of the military posts from the Powder River Valley, would seem to assure to the citizens of Dakota that prospect of quietude and exemption from Indian troubles, which our first settlers did not possess, but which are so essential to our rapid growth in population, and to our permanent prosperity as a people. Our first and most manifest necessity, is peace; and probably we now need nothing more clearly than such perfect assurance of security, from Indian wars and Indian alarms, as these latest arrangements would seem to promise. Let this confidence once take possession of the public mind, and the tide of immigration thitherward will be increased ten-fold over what it has been even through the year that is past. Such considerations furnish us our present and prospective compensation, for the loss of the most promising and most valuable portion of this Territory. In the meantime we may indulge in the faith that a more favorable day will yet dawn upon us; and at no remote period, when, with the consent of the Government, and the Indian tribes, and without war, we may, like the Israelites of old, "go in and possess the land."

DAKOTA AN AGRICULTURAL TERRITORY.

As all mineral resources are, for the time being, cut off from us, by the formation of the new Territory of Wyoming, and by the action of those in authority, in absorbing our prospective Black Hill wealth in the Indian District alluded to, we are now, therefore, by the force of circumstances, against the latter of which we struggled faithfully, pre-eminently an agricultural Territory, And it would be well to pause here, and reflect on the fact that we have abundant cause of profound gratitude, to the Giver of all Good, for what yet remains in our possession. I think it is not too extravagant to say, that

in much of Eastern Dakota, from the Red River of the North to the outlet of the Big Sioux, and thence throughout our boundaries along the Valley of the Missouri and its tributaries, we possess one of the finest agricultural regions on this continent,—with a dry, pure, invigorating and equable climate, in which epidemic or contagious diseases are unknown, and where live stock will subsist well throughout the winter season, with but little attention, and without any expense to their owners. With a proper appreciation of such facts as these, we may well afford to throw aside all unpleasant memories of the past, and fully resolve to apply our energies to the future, which is full of materials for encouragement and hope. With the glorious Homestead and Pre-emption laws on the national statute book, in addition to the advantages named, we have but to practice wisdom and liberality in our legislation; and by every proper appliance hold out all honorable inducements to immigrants to come and occupy our fertile prairies. In proportion as nature has been bountiful, we should be wise and liberal, in all legitimate efforts to encourage the introduction of industrial labor, and to invite capital within our borders. Thus by suitable legislation; by encouraging manufactures and the mechanic arts; the construction and completion of internal improvements; in a word, by well directed industry, intelligence and energy, we may hope to effectually overcome the loss of the Black Hill country; and by building up a flourishing agricultural community, of a much more enduring and substantial kind, we will, at no distant day, on this basis alone, be able to knock at the door of Congress, and obtain admission to the sisterhood of States. And, instead of, as now, drawing our support from the Treasury of the Government, we can then contribute our due proportion to the national wealth.

RAILROAD MATTERS.

Since your last meeting no further important steps have been taken to secure the building of the railroads for which charters have already been granted, except to lay the subject before Congress and ask for land grants to aid in their construction. Congress, it is believed, looks upon these improvements with favor, and we may therefore hope to obtain the aid required at

no distant day. Their construction would bring us within easy communication of the markets of the East, so essential to the proper encouragement of agricultural labor; and would be the means of bringing to our vicinity, at moderate prices, the pine lumber of Minnesota. In the advocacy and advancement to completion of these great Territorial enterprises, we should act as a unit; and no local jealousies, or conflict of individual interests, should be allowed to stand in the way of their perfect success. Their commencement and completion are only a question of time. And that we are on the line of a continuous road, soon to be built across the continent, by way of the Valley of the Missouri, more highly favored by natural advantages than the Union Pacific, and of scarcely less national or local importance when completed, is a fact which has impressed itself upon the minds of some of the most intelligent and practical men of the East. One great incentive to the construction of such a work is the hazardous nature of the navigation of the Missouri. The heavy losses to the Government, and to individuals, annually occurring from this cause, and which are annually on the increase in proportion to the increase of trade, are even now bringing sagacious capitalists and statesmen to reflect upon the comparative speed, safety and economy of railroad transportation up the Valley of the Missouri.

AMENDMENT TO THE FEDERAL CONSTITUTION.

By a resolution of the 39th Congress of the United States, an amendment to the Constitution, known as the 14th Article, was proposed to the legislatures of the several States, and the requisite three-fourths of all the States concurring therein, it has become a part of the fundamental law. And as, by the 16th section of the Organic Act of this Territory, approved March 2, 1861, it is provided that the Constitution, and laws of the United States not locally inapplicable, shall have the same force and effect within said Territory as elsewhere within the United States, it may be considered appropriate to state, on this accasion, in a summary way, the contents of said Article:

Section first guarantees to all persons born or naturalized in the United States, and subject to its jurisdiction, the right of citizenship and civil equality. It also protects them from any State legislation which might abridge their privileges or deprive them of life, liberty or property, without due process of law.

Section second provides that the denial of suffrage to any of the male inhabitants of a State, twenty-one years of age, and citizens of the United States, or the abridgement thereof, except for participating in rebellion or other crime, shall exclude all such disfranchised persons from forming a part of the basis of representation in the Congress of the United States.

Section third disqualifies, for certain offices, a specified class of those who participated in the late rebellion, until the disability be removed by a vote of two-thirds of each House of Congress.

Section fourth guarantees the faithful liquidation of the National Debt, incurred in the late war waged for the preservation of the Union; and declares all public debts or claims of rebel States forever void.

Section fifth confers upon Congress the authority to enforce its provisions.

A discussion as to the merrits of this Article would be somewhat out of place, since we, as a Territorial organization, had no part in its adoption. It is the recorded verdict of the States, done in the public interests and in good faith, according to the forms prescribed in the Constitution, and all our obligations of fealty, and our love and veneration for the Union, as American citizens, apply with equal force to this Article as to the original law framed by our immortal forefathers. To this instrument, as it is, we are to look for the preservation of our civil and religious liberty, and a ready and patriotic obedience is due from us to its mandates, and to all the laws of Congress framed in accordance therewith.

My own opinion has been averse to some of the more recent reconstruction policy of Congress; but as it regards this Article, I have believed that it was proposed in a fraternal spirit of conciliation and amity; and had it been promptly accepted

in that light, by the States recently in rebellion, they would all long since have occupied their proper place in the Union, with the full recognition of their right, as co-equal States, to regulate their domestic concerns in their own way, under the guarantees of the Constitution. Much of the unhappy state of society which since intervened, and in some degree yet exist, with the subordination of their civil governments to military control, and the enforcement of universal suffrage, may be traced to this most singular and most unfortunate mistake. The provisions of the Article are all, in my judgment, eminently wise, expedient and just; and were made unavoidable by a chain of circumstances for which the defenders of the Union were in no wise responsible.

The emancipation of the slave was one of the legitimate and most glorious results of the war; and having thus become a citizen, the provision securing perfect equality before the law was a necessary consequence. And the other provision, declaring that the duty of the American people to pay the public debt, created in their own defense, shall not be questioned, meets with a hearty response from every loyal heart.

Let us then hope that the momentous subject of reconstruction may soon be finally disposed of, by the speedy restoration of all the seceding States to their proper status in the Union; in all of which true allegiance, both state and federal, shall be consistently blended; and in which peace and good will, with perfect liberty of the press and of speech, in fact as well as in theory, shall universally prevail.

CONCLUSION.

In conclusion, I most humbly invoke upon your deliberations the aid of that Divine Power which controls human government, to the end that your legislative acts may conduce to the honor and welfare of the Territory.

A. J. FAULK.

YANKTON, December, 1868.

His Excellency having retired,
On motion of Mr. Gregory,
The joint convention dissolved.
Council called to order by the president.

On motion of Mr. Kellogg,

The Governor's message was made the special order for Saturday next at 11 o'clock.

Mr. Austin submitted the following resolution:

Resolved, That fifteen hundred copies of the governor's message be ordered printed, for the use of the council.

Which motion prevailed.

Mr. Kellogg submitted the following resolution:

Resolved, That when this council adjourn, it adjourn to meet at 10 o'clock a. m., to-morrow.

Which motion prevailed,

On motion of Mr. Hampton,

The council adjourned.

Approved:

W. W. BROOKINGS,

President.

Attest:

A. F. SHAW,

Secretary.

THIRD DAY.

COUNCIL CHAMBER,
Wednesday, Dec. 9th, 1868.

Council met pursuant to adjournment, and was called to order by the

The president in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Austin, Benedict, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rosstenscher, Wallace and Mr. President.

Quorum present.

Journal of preceding day read and approved.

Mr. Benedict gave notice that on to-morrow, or some subsequent day of the session, he will introduce a memorial asking an appropriation for the erection of a capitol building.

Mr. Benedict submitted the following resolution:

Resolved, That the use of the council hall be tendered to the Historical Society, for lectures, during the present session.

Which resolution prevailed.

Mr. Hampton submitted the following resolution:

Resolved, That the council chamber be tendered to the use of the Congregational Society, for religious services during the session of the legislature.

Which resolution prevailed.

Committee on standing rules made the following report:

Mr. Kellogg submitted the following resolution:

Resolved, That one hundred copies of the standing rules of the council, be printed for the use of the members.

Which motion prevailed.

On motion of Mr. Lewis,

The council took an indefinite recess.

The council was called to order by the president.

The committee on joint rules made the following report:

MR. PRESIDENT:—Your committee appointed to act in conjunction with a like committee, on the part of the house, to draft rules for the government of both houses when in joint convention, would respectfully report that they have conferred with the house committee and have agreed to report the accompanying joint rules, and recommend their adoption.

C. H. McINTYRE,
J. A. LEWIS,
H. J. AUSTIN,
Committee.

JOINT RULES.

1. In every case of disagreement between the two houses, if either house request a conference, and appoint a committee for that purpose, the other house shall appoint a committee to con-

fer therewith upon the subject of their disagreement. The shall meet at a convenient time to be agreed upon by the chairman, and having conferred freely, each shall report t their respective house the result of their conference.

2. When a message shall be sent from either house to th other, it shall be announced at the door of the house to whic it is sent, by the doorkeeper thereof, and shall be respectfull communicated to the chair by the person by whom it was sen

3. All messages between the two houses shall be commun cated by the secretary or chief clerk, or their respective assi tants.

4. When a bill shall have passed both houses, it shall b duly enrolled by the enrolling clerk of the house in which originated, and the fact of its origin shall be certified by th endorsement of the secretary or clerk thereof.

5. When bills are enrolled they shall be examined by a join committee of three from the council and three from the house representatives, who shall be a standing committee for that pu pose, and who shall carefully compare the enrollment with th engrossed bills, as passed in the houses, correct any erro therein, and make report thereof forthwith to their respectiv houses.

6. After said report, each bill shall be signed, first by th speaker of the house of representatives, and then by the presider of the council, in the presence of their respective house, an attested by the secretary and chief clerk.

7. After the bill shall have been thus signed in each hous it shall be presented by said committee to the governor for h approval, and they shall forthwith report the day and hour presentation, which shall be entered upon the journal of th house in which the bill originated.

8. All joint resolutions and memorials to Congress, to th President of the United States, to the heads of departments or to any other person or persons, after they shall have passe both houses, shall be carefully enrolled, signed by the speake of the house of representatives and the president of the coun cil, and attested by the secretary and chief clerk, and befor being transmitted to the secretary of the Territory for sa

keeping, shall be carefully copied by the enrolling and engrossing clerk, and such copies after being attested by the presiding officers of each house, and the secretary of the council, and the chief clerk of the house, shall be forwarded by the presiding officer of the house, in which they originated to the President of the United States, or the speaker of the house of representatives of Congress, or to the person or persons to whom they are intended to be sent.

9. When any bill, joint resolution, or memorial which shall have passed one house, is rejected in the other, notice of said rejection shall be given to the house, which passed the same.

10. When a bill, resolution, or memorial which shall have passed one house, is rejected in the other, it shall not be again introduced during the session without five days notice, and leave of two-thirds of the members voting thereon.

11. Each house shall transmit to the other, with any bill, resolution, or memorial, all papers upon which the same shall be founded.

12. When each house shall have adhered to their disagreement, a bill or resolution is lost.

13. When any bill or resolution, which may have passed one house, is ordered printed by the other, a greater number of copies shall not be printed than is necessary for the use of the house making the order. When any other bill or resolution shall be ordered printed by either house, a sufficient number of copies shall be printed for the use of both houses.

14. It shall be the duty of the chief clerk of the house of representatives, and secretary of the council, when any document, except bills and resolutions, is ordered to be printed in their respective houses, forthwith to communicate such order to the other house.

15. On all questions in joint convention of the two houses, the names of the members shall all be arranged in alphabetical order, and they shall be called upon to vote in the order in which they stand arranged.

Mr. Benedict submitted the following resolution:

Resolved, That the report of the committee be adopted.

Which motion prevailed.

Mr. Rossteuscher, pursuant to previous notice, introduced council bill No. 1, entitled "a bill defining the qualifications for holding office in the Territory of Dakota."

Bill read first and second time, and

Referred to judiciary committee, and also

Council bill No. 2, entitled "a bill to authorize the county commissioners of Yankton county to raise money for the erection of a jail."

Which bill was read the first and second time, and

Referred to special committee, consisting of

Messrs. Rossteuscher, McIntyre and Benedict.

On motion of Mr. Kellogg,

The council adjourned.

Approved:

W. W. BROOKINGS,

President.

Attest:

A. F. SHAW,

Secretary.

FOURTH DAY.

COUNCIL CHAMBER,
Thursday, Dec. 10th, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Austin, Benedict, Carpenter, Fraley, Green, Hamp-

ton, Kellogg, Lewis, McIntyre, Wallace and Mr. President.

Journal read and approved.

NOTICE OF BILLS.

Mr. Lewis gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a memorial to congress, asking the removal of the Santee Sioux to the Indian reservation north of the Niobrara.

Mr. Brookings gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a memorial to congress, to extend the north branch of the Pacific railroad.

Mr. Brookings gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a joint resolution to congress, relating to an appropriation for the survey of a canal, from Yankton, to the Big Sioux river, thence up the Rock river to the northern boundary of the state of Iowa; thence east to the Mississippi river.

Mr. McIntyre submitted the following resolution:

Resolved, That two hundred copies of the joint rules for the government of the two houses, be printed for the use of the members of the council.

Which motion prevailed.

Mr. Kellogg submitted the following motion:

Moved, That all members of the council who may appear one-half hour after roll-call, his name shall be inserted in the roll.

Mr. Austin moved to amend, by stoping pay of all such members.

Mr. Hampton moved to lay the amendment on the table.

Which motion prevailed.

The question then referred to the original motion,

Which motion was lost.

Chair instructed the secretary to inform the house that the council have adopted the joint rules as reported by joint committee of both houses.

On motion of Mr. Benedict,

Council took a recess of ten minutes.

Council called to order by the president.

On motion of Mr. McIntyre,

The council adjourned.

Approved:
W. W. BROOKINGS,
President.

Attest:
A. F. SHAW,
Secretary.

FIFTH DAY.

COUNCIL CHAMBER,
Friday, Dec. 11th, 1868.

Council met pursuant to adjournment and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Austin, Benedict, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wallace and Mr. President.

Absent, Mr. Thomas.

Mr. Hampton, chairman of committee on elections submitted the following report:

MR. PRESIDENT:—Your committee on elections have had under consideration the contested elections of C. F. Campbell, and B. E. Wood, claiming a seat in this council, beg leave to report that a majority of the committee would not agree on any recommendation, and therefore report it back for the action of this council; with all the papers and testimony in the case.

A. H. HAMPTON,
Chairman Com. on Elections.

Mr. Kellogg, from committee on elections submitted the following minority report:

Mr. PRESIDENT:—A minority of your committee on election to whom the matter of the right of either C. F. Campbell or B. E. Wood, to occupy a seat in this council from the district composed of Charles Mix and Buffalo counties, have had the same under consideration, and after hearing the proofs advanced by several parties, beg leave to report, as follows:

First, That at the time the said parties claimed to have been elected, there was no vacancy existing, to fill which, either of said contestants could have been legally elected.

Second, That B. E. Wood, one of said contestants is ineligible to a seat in this council, he having been at the time of such election, a resident upon an Indian agency, and not within the local jurisdiction of the laws of this Territory.

I therefore recommend that the seat be declared vacant, and that the president of the council be requested to forthwith notify His Excellency, the Governor, of the existing of such vacancy.

All of which is is very respectfully submitted.

GEO. W. KELLOGG.

Mr. Fraley moved the minority report be adopted.

Mr. Kellogg moved that the sergeant-at-arms be instructed to bring C. F. Campbell before the council.

Which motion was lost.

Mr. Austin in the chair.

Mr. Brookings moved to lay the motion of Mr. Fraley on the table.

Yeas and nays being called, resulted as follows:

Yeas 10; nays 2.

Those voting ayes, were

Messrs. Austin, Benedict, Carpenter, Green, Hampton, Lewis, McIntyre, Rossteuscher, Wallace and Mr. President.

Those voting in the negative, were

Messrs. Fraley and Kellogg.

So the motion was laid on the table.

Mr. Brookings submitted the following preamble and resolution:

Whereas, The committee on election have failed to make any recommendation in the contested case of B. E. Wood, and C. F. Campbell, on which the council can act; and

Whereas, It appears from the testimony submitted to the council, by the committee on election, that C. F. Campbell, one of the contestants, is a federal office holder, and holds an appointment under the government that disqualifies him to hold a seat in this hall; and

Whereas, It appears that R. I. Thomas' seat is vacant, and that B. E. Wood was voted for, for that position. receiving a certain number of votes for councilman of the 5th district; now therefore, be it

Resolved, That B. E. Wood, be, and is hereby declared to be the only person having any right to the seat of R. I. Thomas, and that said B. E. Wood, be allowed to take his seat in this council.

Mr. Hampton moved to postpone further action on this resolution until to-morrow.

Which motion was lost.

On motion of Mr. Brookings,

Council took a recess of ten minutes.

Council called to order, by

Mr. Austin in the chair.

Mr. Brookings moved that the preamble and resolution be adopted.

President in the chair.

The ayes and noes being demanded and ordered, rsulted:

Yeas 10; noes 2; as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Carpenter, Green, Hampton, Lewis, McIntyre, Rossteuscher, Wallace and Mr. President.

Those voting in the negative, were

Messrs. Fraley and Kellogg.

So the resolution prevailed.

Mr. Wood then appeared at the president's desk, and the oath of office was administered to him by the president.

On motion of Mr. Austin,

Council adjourned.

Approved:
W. W. BROOKINGS,
President.

Attest:
A. F SHAW,
Secretary.

SIXTH DAY.

COUNCIL CHAMBER,
Saturday, Dec. 12th, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Benedict, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wallace, Wood and Mr. President.

Mr. Green gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill reorganizing the judicial districts of this Territory, and fixing the time for holding the courts in the same.

On motion of Mr. Kellogg,

The council took an indefinite recess.

Council called to order.

The following message from the house was then read:

HOUSE OF REPRESENTATIVES,
Saturday, Dec. 12th, 1868.

Mr. PRESIDENT:—I am instructed by the house to inform the council that the house has passed house file No. 1, a bill for an act to incorporate Laramie City; also

House file No. 2, a bill for an act organizing the county of Albany; also

House file No. 3, a bill for an act to organize the county of Carbon, which bills I herewith transmit and respectfully request the concurrence of the council therein.

GEO. I. FOSTER,
Chief Clerk.

House file No. 1, entitled a bill for an act to incorporate Laramie City, was then taken from the table, and was

Read first and second time, and

Refered to committee on incorporations.

House file No. 2, entitled a bill for an act to organize the county of Albany, was then taken from the table, and was

Read first and second time, and

Referred to committee on counties.

House file No. 3, entitled a bill for an act to organize the county of Carbon, which was then taken from the table, and

Read first and second time, and

Referred to committee on counties.

On motion of Mr. McIntyre,

The council resolved itself into a committee of the whole house on special order.

Mr. McIntyre in the chair.

After some time spent in the consideration of the special order, the committee arose and through its chairman, reported as follows:

MR. PRESIDENT:—Your committee of the whole, having had under consideration the governor's message, have instructed me to report the same back to the council and recommend that the same be referred to its appropriate standing committees.

C. H. McINTYRE,
Chairman Com.

On motion of Mr. Kellogg,

The report was adopted.

On motion of Mr. Green,

The council adjourned.

Approved:
W. W. BROOKINGS,
President.

Attest:
A. F. SHAW,
Secretary.

EIGHTH DAY.

COUNCIL CHAMBER,
Monday, Dec. 14th, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain,

Roll called.

The following members answered to their names:

Messrs. Austin, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wallace, Wood and Mr. President.

Absent, Mr. Benedict.

Journal of preceding day was read and approved.

Mr. Brookings tendered his resignation as president of the council, as follows:

GENTLEMEN OF THE COUNCIL:—

I herewith tender you my resignation as president of the council. In doing so, allow me to express to you my warmest thanks for the kindness you have ever shown me. In returning to you the high position which you so unanimously bestowed upon me, I am influenced in the belief, that I can accomplish far more for my constituents as well as the general interests of the Territory, on the floor of the council. As a general rule the presiding officer of a legislative body should not mingle to freely in its debates. I am aware I have already participated more freely than parliamentary usage would allow, and I feel that I shall be compelled to say far more in the future. Therefore I have deemed it proper to tender you my resignation, trusting it will be received in the spirit in which it was intended.

On motion of Mr. McIntyre,

Mr. Brookings' resignation was accepted.

Mr. Brookings nominated Mr. Wallace as president of the council.

There being no other nomination, and the roll being called Mr. Wallace received 9 votes, as follows:

Those who voted for Mr. Wallace, were

Messrs. Austin, Brookings, Carpenter, Green, Hampton, Lewis, McIntyre, Rossteuscher and Wood.

Mr. Fraley voted for Mr. Brookings.

Mr. Kellogg voted for Mr. Green.

And it appearing that Mr. Wallace had received a majority of all the votes cast, he was declared elected president of the council.

Messrs. Brookings and Green were appointed a committee of two, to escort the president elect to the president's desk.

The committee having discharged that duty,

The president took the chair, and said:

GENTLEMEN OF THE COUNCIL:—

For this manifestation of your partiality I return you my sincere thanks, and allow me now at the outset to bespeak your forbearance in the discharge of the duties devolving upon me, for I am admonished by my inexperience, that, without your assistance I shall not be able to perform the important duties of this position in a manner acceptable to you. Trusting that the same spirit of kindness which you have shown in placing me here, will continue to guide and assist me, I accept the position to which you have assigned me and shall endeavor to so discharge its responsibilities as to meet your approbation.

The oath of office was then administered to him by ex-president Brookings.

NOTICE OF BILLS.

Mr. Rossteuscher gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill for the repeal of chapter 39, session laws of 1862, and chapter 2, of session laws of 1866 and '67.

Mr. Kellogg gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to prescribe the toll that mills will be allowed to take in this Territory, and to regulate the duties of the same.

Mr. Rossteuscher gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill concerning revenue.

On motion of Mr. Kellogg,

Mr. Williams, of Union county, was invited to a seat within the bar of the council.

Mr. Brookings gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a joint resolution for a land grant for the Yankton and Columbus Railroad.

Also a bill to establish a code of criminal proceedure, of the Territory of Dakota.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Monday, December 14th, 1868.

MR. PRESIDENT:—I am instructed to inform the council that the house has adopted the joint rules reported by the joint committee of both houses.

GEO. I. FOSTER,
Chief Clerk.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Brookings introduced council bill No. 3, entitled, A memorial to Congress relative to the Pacific Railroad.

Also council bill No. 4, entitled, A memorial to Congress relative to certain surveys for a canal.

Council bill No. 3, entitled, A memorial to Congress relative to the Pacific Railroad, was then taken up, and

Read first and second time, and

Referred to committee on railroads.

Council bill No. 4, entitled, A memorial to Congress relative to certain surveys for a canal was then taken up, and

Read first and second time, and

Referred to committee on railroads.

The president then announced the standing committees, as follows:

STANDING COMMITTEES OF THE COUNCIL.

Judiciary—Messrs. Brookings, Hampton and Green.

Education—Messrs. Austin, Lewis and McIntyre.

Military Affairs—Messrs. Lewis, Fraley and Carpenter.

Incorporations—Messrs. Wood, Benedict and Kellogg.

Finance—Messrs. Rossteuscher, Lewis and Carpenter.

Elections—Messrs. Hampton, Kellogg and Rossteuscher.

Public Buildings—Messrs. McIntyre, Hampton and Fraley.

Mines and Minerals—Messrs. Lewis, Austin and Benedict.

Indian Affairs—Messrs. Rossteuscher, Hampton and Green.

Manufactures—Messrs. Fraley, Kellogg and Wood.

Public Lands—Messrs. Benedict, Lewis and Austin.

Counties—Messrs. Green, Hampton and Benedict.

Territorial Affairs—Messrs. Hampton, Benedict and Kellogg.

Agriculture—Messrs. McIntyre, Carpenter and Green.

Expenditures—Messrs. Kellogg, Fraley and Wood.

Federal Relations—Messrs. Carpenter, Green and McIntyre.

Public Printing—Messrs. Austin, Kellogg and Benedict.

Engrossed Bills—Messrs. Lewis, McIntyre and Fraley.

Highways, Bridges and Ferries—Messrs. Hampton, Wood and Kellogg.

Enrolled Bills—Messrs. Rossteuscher, McIntyre and Wood.

Internal Improvements—Messrs. Kellogg, Lewis and Benedict.

Railroads—Messrs. Brookings, Austin, Lewis, Green and Fraley.

Mr. Brookings submitted the following resolution:

Resolved, That one hundred copies standing committees be printed for the use of the members of the council.

Which resolution prevailed.

On motion of Mr. Carpenter,

Mr. Benedict was excused from attendance to-day.

On motion of Mr. Kellogg,

Mr. True, of Clay county, was invited to a seat within the bar of the council.

REPORTS OF COMMITTEES.

Mr. Rossteuscher, from special committee, made the following report:

Mr. PRESIDENT:—Your special committee to whom was referred council bill No. 2, entitled, "A bill to authorize the county commissioners of Yankton county, to raise money for the erection of a jail," have had the same under consideration, and find that it fully answers the urgent necessity of the case, and therefore recommend its passage.

CHAS. F. ROSSTEUSCHER,
C. H. McINTYRE.

Mr. Brookings, from the judiciary committee, made the following report:

MR. PRESIDENT:—Your committee to whom was referred council bill No. 1, have examined the same, and ask leave to report the same back without recommendation.

Mr. Wood, from committee on incorporations, submitted the following report:

MR. PRESIDENT:—A majority of your committee on incorporations to whom was referred house file No. 1, entitled, A bill for an act to incorporate Laramie City, have had the same under consideration, and have agreed to report the same back to the council and recommend its passage.

Mr. Green, from committee on counties, submitted the following report:

MR. PRESIDENT:—Your committee on counties, to whom was referred house files Nos. 2 and 3, have had the same under

consideration, and beg leave to report the same back and recommend that they do pass.

On motion of Mr. Brookings,

The council took a recess of 15 minutes.

Council called to order by the president.

The following communication from the Hon. Secretary of the Territory, was then read, as follows:

SECRETARY'S OFFICE,
Monday, December 14th, 1868.

Hon. President of the Council:

SIR:—In reply to resolution adopted by the Hon. the council, on Saturday last, I have the honor to state that I will furnish each member and clerk of the legislative assembly with five copies each of the Vermillion *Republican* and *Union & Dakotaian.*

Most Respectfully,
Your Ob't Servant,
S. L. SPINK,
Secretary.

House bill No. 3, entitled, A bill for an act to organize the county of Carbon, was then taken up, and

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

House bill No. 2, entitled, A bill for an act to organize the county of Albany, was then taken up, and

Read the third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none.

So the bill passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

House bill No. 1, entitled a bill for an act to incorporate Laramie City, was then taken up, and

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none.

So the bill passed.

The question then being on agreeing to its tittle, and it being put,

The title was agreed to.

Council bill No. 1, entitled a bill defining the qualifications to hold office in the Territory of Dakota, was then taken up, and

Read the third time.

Mr. Kellogg moved to amend the bill by exempting Union and Clay counties from the action of the bill.

Mr. Austin moved to amend the amendment by striking out the words "and Clay."

Which motion prevailed.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Monday, Dec. 14th, 1868.

MR. PRESIDENT:—I am instructed to inform the council that the house has this day passed the following house files, to-wit:

House file No. 4, entitled "a bill for an act fixing the time of holding the terms of the supreme court," and house file No. 7, entitled "a bill for an act repealing chapter 47 of the general laws of Dakota, 1862–3," which bills I herewith transmit and respectfully request the concurrence of the council therein.

GEO. I. FOSTER,
Chief Clerk.

Mr. Brookings moved to lay the amendment on the table.

The ayes and noes being called for and ordered, rsulted as follows:

Yeas 7; noes 5; as follows:

Those voting in the affirmative, were

Messrs. Brookings, Carpenter, Fraley, Green, Lewis, Wood and Mr. President.

Those voting in the negative, were

Messrs. Austin, Hampton, McIntyre, Kellogg and Rossteuscher.

So the amendment was laid on the table.

Mr. Kellogg moved the bill be recommitted.

Mr. Brookings moved to lay the motion to recommitt on the table.

Which motion prevailed, and

The motion to recommitt was laid on the table.

Mr. Kellogg moved to adjourn.

Mr. Brookings moved to lay the motion to adjourn on the table.

Which motion prevailed, and the motion to adjourn was laid on the table.

Mr. Brookings moved the previous question.

Which motion prevailed.

The question now being on the passage of the bill, and the question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 9 ; nays 3, as follows:

Those voting in the affirmative, were

Messrs. Brookings, Carpenter, Fraley, Green, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

Those voting in the negative, were

Messrs. Austin, Hampton and Kellogg.

So the bill passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

On motion of Mr. McIntyre,

The council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:

A. F. SHAW,

Secretary.

NINTH DAY.

COUNCIL CHAMBER,
Tuesday, Dec. 15th, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Brookings, Benedict, Fraley, Green, Kellogg, Lewis, McIntyre, Wood and Mr. President.

Absent, Messrs. Austin, Carpenter, Hampton and Rossteuscher.

Journal of yesterday read and approved.

On motion of Mr. Brookings,

Council took a recess of ten minutes.

Council called to order.

Mr. Brookings gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a memorial to congress relative to Indian affairs.

INTRODUCTION OF BILLS.

Mr. Wood by unanimous consent of the council, introduced council bill No. 5, entitled a bill to repeal chapter 7 of the laws of 1862 and 3.

Read first and second time, and

Referred to committee on judiciary.

Mr. Kellogg introduced council bill No. 6, entitled a bill to prevent the importation of cattle from the states of Florida, and Texas, and the territory of New Mexico.

Read first and second time, and

Referred to committee on Territorial affairs.

Mr. Benedict introduced council bill No. 7, entitled a bill to repeal chapter 31 of the laws of 1862.

Read first and second time, and

Referred to judiciary committee.

Mr. Green introduced council bill No. 8, entitled a bill to repeal chapter 30, of the laws of 1862.

Read first and second time, and

Referred to judiciary committee.

Mr. Rossteuscher introduced council bill No. 9, entitled an act concerning revenue.

Read first and second time, and

Referred to finance committee.

Mr. Brookings introduced council bill No. 10. entitled a bill for an act to establish a code of criminal proceedure.

Read first and second time, and

Referred to judiciary committee.

RESOLUTIONS.

Mr. Kellogg submitted the following resolution:

Resolved, That the president of the council do appoint a committee of three to examine the laws of this Territory, and find what laws have been repealed, and report a bill to this council, with all the chapters and sections and parts of sections that have been repealed.

Mr. Austin moved to amend the resolution so as to have it read, a committee of one, and that Mr. Kellogg be appointed that committee,

Mr. Brookings moved to lay the amendment on the table.

Motion lost.

The question now referring to Mr. Austin's amendment.

Pending which,

On motion of Mr. Brookings,

The resolution was referred to the judiciary committee

FIRST AND SECOND READINGS OF HOUSE FILES.

House file No. 4, a bill for an act fixing the time of holding the terms of the supreme court, was then taken up, and

Read a first and second time, and

Referred to judiciary committee.

House file No. 7, a bill for an act repealing chapter 47, of the general laws of Dakota, 1862–3, was then taken up, and

Read a first and second time, and

Referred to judiciary committee.

Council bill No. 2, a bill to authorize the county commissioners of Yankton county, to raise money for the erection of a jail, was then taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Brookings, Benedict, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Tuesday, December 15th, 1868.

MR. PRESIDENT:—I am instructed to inform the council that the house has this day passed the following house files to-wit:

House file No. 5, An act concerning Territorial roads, and

House file No. 10, A memorial, praying for a weekly mail between Vermillion and Bloomingdale, Clay county, D. T., which bills I herewith transmit, and respectfully request the concurrence of the council therein.

GEO. I. FOSTER,
Chief Clerk.

On motion of Mr. Rossteuscher,

Council took a recess of ten minutes.

Council called to order.

Mr. Brookings submitted the following resolution:

Resolved, That the committee on railroads in the council in conjunction with railroad committee of the house, be instructed

to make a report to the two houses on the condition and prospects of railroads in this Territory, and such other matters as may be of importance to the Territory, such as agriculture, manufacturings and mining interests.

Which resolution prevailed.

House file No. 10, A memorial, praying for a weekly mail between Vermillion and Bloomingdale, Clay county, was taken up, and

Read first and second time, and

On motion of Mr. Brookings,

The rules were suspended and the bill

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Brookings, Benedict, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

None voting in the negative.

So the bill passed, and

Its title was agreed to.

On motion of Mr. Brookings,

The council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:

A. F. SHAW,

Secretary.

TENTH DAY.

COUNCIL CHAMBER,
Wednesday, Dec. 16th, 1868.

Council met pursuant to adjournment, and was called to order by the

President in the chair.

Roll called.

The following members responded to their names, as follows:

Messrs. Austin, Brookings, Benedict, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre and Mr. President.

NOTICE OF BILLS.

Mr. Brookings gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a memorial to the Secretary of War, for the removing of Fort Dakota, from Sioux Falls to Flandreau, Dakota Territory.

INTRODUCTION OF BILLS.

Mr. Brookings introduced council bill No. 11, entitled, A memorial to Congress relative to Indian affairs.

Read first and second time, and

On motion of Mr. Brookings,

The rules were suspended and the bill

Read the third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Brookings, Benedict, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher and Mr. President.

None voting in the negative.

So the bill passed, and

Its title was agreed to.

Ordered, That the secretary acquaint the house therewith.

Mr. Hampton, chairman of committee on Territorial affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Territorial affairs have had under consideration council bill No. 6, and beg leave to report the same back with the following amendments:

In section 1st, third line, strike out the words New Mexico and insert Alaska, Canada East and New Brunswick.

A. H. HAMPTON,
Chairman.

On motion of Mr. Brookings,

The bill and amendments were recommitted to the committee on Territorial affairs.

Mr. Brookings, from judiciary committee, submitted the following report:

MR. PRESIDENT:—Your committee on the judiciary to whom house file No. 4 were referred, beg leave to report the same back with the accompanied amendments, and recommend its passage.

W. W. BROOKINGS,
Chairman.

Amend Sec. 1st of the bill by striking out the words "two terms," in second line, and insert in lieu thereof "one term;" strike out the word "second" in third line of bill, and insert in lieu thereof the word "third;" strike out the words "and August," in fourth line.

House file No. 4, An act fixing the time for holding the terms of the Supreme Court reported back by judiciary committee, was then taken up, and

On motion of Mr. Brookings,

The amendments reported by the committee were agreed to, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Brookings, Benedict, Carpenter, Fraley Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher and Mr. President.

Those voting in the negative, were

None voting in the negative.

So the bill passed.

Mr. Brookings moved to amend the title by striking out "terms" and insert "term,"

Which motion prevailed.

And the title as amended, was agreed to.

On motion of Mr. Brookings,

Council took a recess of ten minutes.

Council called to order.

Mr. Hampton moved council adjourn.

Motion lost.

Mr. Brookings asked unanimous leave to make a report for judiciary committee.

Objected to.

On motion of Mr. Brookings,

The rules were suspended to allow the chairman of the judiciary committee to make a report.

Report objected to on part of one member of committee.

Mr. Brookings moved that the council adjourn.

Which motion was lost.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Wednesday, December 16th, 1868.

MR. PRESIDENT:—I am instructed by the house to inform the council that the house has this day passed the following house files, to-wit:

House file No. 6, (substitute) An act concerning lost goods and estrays.

House file No. 12, entitled, An act to regulate the fees of Register's of Deeds,

House file No. 13, entitled, A bill for an act to increase the fees of county officers in Laramie county,

House file No. 14, entitled, A bill for an act repealing the charter of the Dakota & Northwestern Railroad Company.

House file No. 16, entitled, A memorial to Congress relative to a U. S. Land Office in the valley of the Red River of the North, and

House file No. 17, entitled, A memorial to Congress praying for an appropriation to codify the laws of Dakota Territory, which bills I herewith transmit, and respectfully request the concurrence of the council therein.

GEO. I. FOSTER,
Chief Clerk.

On motion of Mr. Brookings,

The council resolved itself into a committee of the whole on the railroad interests of Dakota.

After some time spent therein,

The committee arose.

The president resumed the chair, and

Through their chairman, submitted the following report:

MR. PRESIDENT:—Your committee of the whole have had under consideration the railroad interests of Dakota, and have made progress therein, and ask leave to sit again,

H. J. AUSTIN,
Chairman.

On motion of Mr. Brookings,

Council adjourned.

Approved:
N. J. WALLACE,
President.

Attest:
A. F. SHAW,
Secretary.

ELEVENTH DAY.

COUNCIL CHAMBER,
Thursday, Dec. 17th, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Austin, Benedict, Brookings, Carpenter, Green, Hampton, Lewis, McIntyre, Rossteuscher and Mr. President.

Absent, Messrs. Fraley, Kellogg and Wood.

Journal of yesterday's proceedings read and approved.

INTRODUCTION OF BILLS.

Mr. Benedict introduced council bill No. 12, entitled A memorial to Congress, asking for an appropriation to erect a Capitol building.

Read first and second time, and

Referred to committee on Territorial affairs.

House file No. 5, An act concerning Territorial roads, was then taken up, and

Read first and second time, and

Referred to committee on highways bridges and ferries.

House file No. 6, An act concerning lost goods and estrays, was taken up, and

Read first and second time, and

Refered to committee on agriculture.

House file No. 12, An act to regulate the fees of Register's of Deeds, was then taken up, and

Read first and second time, and

Referred to committe on finance.

House file No. 14, A bill for an act repealing the charter of the Dakota and Northwestern Railroad company, was then taken up, and

Read a first and second time, and

Referred to committee on railroads.

House file No. 16, A memorial to Congress relative to a U. S. Land Office in the valley of the Red River of the North, was then taken up, and

Read first and second time, and

Referred to committee on public lands.

House file No. 17, A memorial to Congress praying for an appropriation to codify the laws of Dakota Territory, was then taken up, and

Read first and second time, and

Referred to committee on Territorial affairs.

On motion of Mr. Brookings,

The secretary was instructed to inform the house, of the passage of resolution on Railroads.

On motion of Mr. McIntyre,

The council took a recess of 15 minutes.

Council called to order.

On motion of Mr. Kellogg,

The council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:

A. F. SHAW,

Secretary.

TWELFTH DAY.

COUNCIL CHAMBER,
Friday, Dec. 18th, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Austin, Benedict, Brookings, Carpenter, Green, Hampton, Lewis, McIntyre, Rossteuscher and Mr. President.

Absent, Messrs. Fraley, Kellogg and Wood.

Journal of yesterday's proceedings read and approved.

NOTICE OF BILLS.

MR. PRESIDENT:—I give notice that on to-morrow, or some subsequent day of the session, I will introduce a bill for an act to amend an act entitled an act to establish the courts and define the jurisdiction of justice's of the peace, approved January 4th. 1866.

G. W. KELLOGG.

Mr. Brookings gave the following notice:

I give notice that on to-morrow, or some subsequent day of the session, I shall ask leave to introduce a bill to incorporate the city of Yankton.

W. W. BROOKINGS.

INTRODUCTION OF BILLS.

Mr. Green introduced council bill No. 13, entitled, A bill for for an act to reorganize the judicial district of this Territory, and fixing the time for holding the courts in the same.

Read first and second time, and

Referred to committee on counties.

Mr. McIntyre asked unanimous leave to introduce a bill.

Leave being granted,

Mr. McIntyre introduced council bill No. 14, entitled, A bill for the relief of the poor.

Read first and second time, and

Referred to committee on finance.

REPORTS OF COMMITTEES.

Mr. Brookings from the judiciary committee, made the following report:

MR. PRESIDENT:—Your committee on the judiciary to whom was referred council bill No. 10, A code of criminal proceedure, beg leave to report the same back, and recommend that it do pass.

W. W. BROOKINGS,
Chairman.

Mr. Hampton from committee on Territorial affairs, made the following report:

MR. PRESIDENT:—Your committee on Territorial affairs have had under consideration house file No, 17, and beg leave to report it back to the council without recommendation.

A. H. HAMPTON,
Chairman.

Council bill No 10, A bill for an act to establish a code of criminal proceedure, was then taken np, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Rossteuscher and Mr. President.

Those voting in the negative, were

Mr. Kellogg.

So the bill passed, and

Its title was agreed to.

House file No. 17, A memorial to Congress praying for an appropriation to codify the laws of Dakota, was then taken up, and

Read a third time, and

On motion of Mr. Brookings,

It was laid on the table.

On motion of Mr. Brookings,

Council took a recess of 15 minutes.

Council called to order.

Mr. Rossteuscher from committee on finance, submitted the following report:

MR. PRESIDENT:—Your committee on finance to whom was referred house file No. 12, entitled, An act to regulate the fees of Register of Deeds, and beg leave to report the same back with recommendation that it be indefinitely postponed.

CHAS. F. ROSSTEUSCHER,
J. A. LEWIS,
AARON CARPENTER.
Com. on Finance.

House file No. 12, entitled, A bill for an act to regulate the fees of the Register of Deeds,

Was then taken up, and

Read the third time, and

On motion of Mr. Brookings,

Indefinitely postponed.

Mr. Rossteuscher from committee on finance, made the following report:

MR. PRESIDENT:—Your committee on finance, to whom was referred house file No. 13, entitled, A bill for an act to increase the fees of county officers in Laramie county, beg leave to report the same back with recommendation that the bill do pass.

CHAS. F. ROSSTEUSCHER,
J. A. LEWIS,
AARON CARPENTER,
Com. on Finance.

House file No. 13, entitled, A bill for a act to increase the fees of county officers in Laramie county,

Was then taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Brookings, Benedict, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher and Mr. President.

None voting in the negative.

So the bill passed, and

Its title was agreed to.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Friday, Dec. 18th, 1868.

MR. PRESIDENT:—I am instructed to inform the council that the house did, on the 17th inst., pass council bill No. 2, entitled A bill to authorize the county commissioners of Yankton county, to raise money for the erection of a jail, with attached amendments,

Which bill is herewith returned.

The concurrence of the council is respectfully requested in said amendments.

I am also instructed to inform the council that the house did on the 16th inst. concur in council amendments to house file No. 4, A bill for an act fixing the time for holding the terms of the Supreme Court.

I am also instructed to inform the council that the house did on the 17th inst. pass the following house files, to-wit:

House file No. 15, A bill for an act authorizing the granting of permits to establish ferries on the Red River of the North, at points without the limits of organized counties, and

House file No. 19, entitled, A bill to encourage the cultivation and preservation of timber, which bills I herewith transmit and respectfully request the concurrence of the council therein.

I am also instructed to inform the council that the house has this day agreed to the following resolution:

Resolved, That the house concur in the council resolution

relative to the council and house committees on railroads, acting in conjunction as a joint committee in the matters mentioned in said resolution.

GEO. I. FOSTER,
Chief Clerk.

On motion of Mr. Brookings,
The council adjourned.

Approved:
N. J. WALLACE,
President.

Attest:
A. F. SHAW,
Secretary.

THIRTEENTH DAY.

COUNCIL CHAMBER,
Saturday, Dec. 16th, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher and Mr. President.

Absent, Mr. Wood.

Journal of the previous day read and approved.

Mr. Brookings gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a resolution for a land grant, to the Sioux City and Pacific Railroad, from Sioux City, Iowa, up the Missouri Valley.

Mr. Rossteuscher asked unanimous leave to introduce a bill, of which no previous notice had been given.

Leave granted, and

Council bill No. 18, A bill relating to county commissioners, and county clerks, was introduced, and

Read a first and second time, and

On motion of Mr. Brookings, was

Referred to committee on finance.

Mr. McIntyre asked unanimous leave to introduce a memorial of which no previous notice had been given.

Objection being made.

On motion of Mr. Brookings,

The rules were suspended, and

Council bill No. 15, entitled A memorial to U. S. Grant, President of the United States, asking the appointment of W. W. Brookings to the position of Governor of Dakota Territory, was introduced, and

Read first and second time.

Mr. Kellogg moved the bill be referred to the judiciary committee.

Which motion was lost.

On motion of Mr. McIntyre,

The rules were suspended, and the bill

Read the third time.

The question now being on the passage of the bill, and the question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 8; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Carpenter, Green, Hampton, McIntyre, Rossteuscher and Mr. President.

Those voting in the negative, were

Messrs. Fraley, Kellogg and Lewis.

Not voting, Messrs. Brookings and Wood.

So the memorial passed, and

Its title was agreed to.

Mr. Hampton from committee on Territorial affairs made the following report:

MR. PRESIDENT:—Your committee on Territorial affairs, have had under consideration council bill No. 12, and beg leave to report the same back to the council without recommendation.

On motion of Mr. Brookings,

Council bill No. 12, was laid on the table.

Mr. Hampton from committee on Highwas, Bridges and Ferries, made the following report:

MR. PRESIDENT:—Your committee on Highways, Bridges and Ferries, have had under consideration house file No. 5, An act concerning Territorial roads, and beg leave to report it back, and recommend it do pass.

On motion of Mr. Brookings,

House file No. 5, An act concerning Territorial roads, was

Laid on the table until Monday.

FIRST READING OF BILLS.

House file No. 15, entitled A bill for an act authorizing the granting of permits to establish ferries on the Red River of the North, at points without the limits of organized counties.

Was then taken up, and

Read first and second time, and

Referred to committee on incorporations.

House file No. 19, entitled A bill to encourage the cultivation and preservation of timber.

Was then taken up, and

Read first and second time, and

Referred to committee on agriculture.

BILLS ON THIRD READING.

Council bill No. 2, entitled, "A bill to authorize the county commissioners of Yankton county, to raise money for the erection of a jail, as amended by the house.

Was then taken up, and

On motion of Mr. Rossteuscher

The house amendments were concurred in.

Ordered, That the secretary inform the house, that the

council have concurred in their amendment to council bill No. 2.

On motion of Mr. Lewis,

The council took an indefinite recess.

Council called to order.

Mr. Brookings submitted the following resolution:

Resolved, That the mover of a memorial shall have the right to have his memorial sent to our Delegate, instead of Congress.

Which resolution prevailed.

On motion of Mr. Brookings,

Council bill No. 12, entitled A memorial to Congress, asking Congress to appropriate money for the erection of a Capitol Building.

Was then taken from the table, and

Read the third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher and Mr. President.

None voting in the negative,

So the bill passed, and

Its title was agreed to.

On motion of Mr. Brookings,

House file No. 17, entitled A memorial to Congress, praying for an appropriation to codify the laws of Dakota Territory.

Was taken from the table for consideration, and

On motion of Mr. Brookings,

The following amendment was agreed to, to-wit:

Strike out the word "elect" in the first line of the resolution of the bill, and the words "Hon. S. L. Spink," in the second line of the resolution of the bill.

The bill was then read a third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher and Mr. President.

So the bill passed, and

Its title was agreed to.

On motion of Mr. McIntyre,

The council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:

A. F. SHAW,

Secretary.

FIFTEENTH DAY.

COUNCIL CHAMBER,
Monday, Dec. 21st, 1868.

Council met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names, as follows:

Messrs. Austin, Benedict, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher and Mr. President.

Journal of Saturday's proceedings read and approved.

NOTICE OF BILLS.

Mr. Kellogg gave notice that on to-morrow, or some sub-

sequent day of the session, he would ask leave to introduce a bill to provide for the county commissioners of this Territory, to build bridges, and keep in repair all bridges in their several counties.

REPORTS OF COMMITTEES.

Mr. Benedict, from committee on incorporations, made the following report:

MR. PRESIDENT:—Your committee on incorporations to whom was referred house file No. 15, have had the same under consideration, and report the same back without amendments, recommending its passage.

On motion of Mr. Benedict,

Council took a recess of ten minutes.

Council called to order.

The following communication was received from the house.

HOUSE OF REPRESENTATIVES,
Monday, December 21st, 1868.

MR. PRESIDENT:—I am instructed to inform the council that the house did, on the 18th inst. pass council bill No. 11, (substitute) A memorial to Congress protesting against the transfer of the Indian bureau to the war department, which bill is herewith retained, and the concurrence of the council respectfully requested in the substitute.

I am also instructed to inform the council that the house did, on the 19th inst. pass the following house files, to-wit:

House file No. 20, entitled, A bill for an act supplementary to chapter thirteen, session laws of 1867–68, entitled, "An act to provide for the opening, vacating and change of highways, and

House file No. 9, A bill for an act to provide common schools for the Territory of Dakota, which bills are herewith transmitted, and the concurrence of the council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

House file No. 15, entitled, A bill for an act authorizing the granting of permits to establish ferries on the Red River of the North, at points without the limits of organized counties,

Was then taken up, and

Read the third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rosstenscher and Mr. President.

None voting in the negative.

So the bill passed, and

Its title was agreed to.

House file No. 20, entitled, A bill for an act supplementary to chapter thirteen, session laws of 1867–68, entitled, "An act to provide for the vacating and changing of highways,"

Was then taken up, and

Read first and second time, and

On motion of Mr. Brookings,

Referred to committee on counties.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Monday, December 21st, 1868.

MR. PRESIDENT:—I am instructed to inform the council that the house has this day passed the following house files, to-wit:

House file No. 18, entitled, An act defining the rights of occupying claimants, prescribing the manner of enforcing the same and quieting the title to lands so occupied;

House file No. 21, entitled, A bill for an act to prevent the firing of woods, marshes and prairies, and

House file No. 24, entitled, An act in relation to taxing real and personal property, which bills are herewith transmitted, and the concurrence of the council respectfully requested.

I am also instructed to inform the council that the house has this day adopted the following resolution, to-wit :

Resolved, That the speaker appoint a committee, consisting of the Republican members of this house, to act with a like committee on the part of the council, to whom shall be referred all matters of a political nature coming before this house, and

Resolved, That the council be respectfully requested to appoint such committee to act on the part of the council.

GEO. I. FOSTER,
Chief Clerk.

House file No. 9, entitled, A bill for an act to provide common schools for the Territory of Dakota, (substitute,)

Was then taken up, and

Read first and second time, and

Referred to committee on education.

Council bill No. 11, entitled, A memorial to Congress relative to Indian affairs, (house substitute,)

Was then taken up, and

On motion of Mr. Brookings,

Referred to committee on Indian affairs.

House file No. 18, entitled, An act defining the rights of occupancy of claimants prescribing the manner of enforcing the same and quieting the title to lands so occupied,

Was then taken up, and

Read the first and second time, and

On motion of Mr. Kellogg,

Referred to judiciary committee.

House file No. 21, entitled, A bill for an act to prevent the firing of woods, marshes and prairies,

Was then taken up, and

Read first and second time, and

Referred to committee on agriculture.

House file No. 24, entitled, An act in relation to taxing real and personal property,

Was then taken up, and

Read first and second time, and

Referred to committee on Territorial affairs.

Mr. Kellogg introduced council bill No. 16, entitled, A bill

for an act to amend an act entitled, "An act to establish the courts and define the jurisdiction of justices of the peace," approved Jan. 4, 1868.

Read first and second time, and

Referred to committee on judiciary.

Mr. Rossteuscher called up the following house resolution:

Resolved, That the speaker appoint a committee, consisting of the Republican members of this house, to act with a like committee on the part of the council, to whom shall be referred all matters of a political nature coming before this house; and

Resolved, That the council be respectfully requested to appoint such committee to act on the part of the council.

On motion of Mr. Brookings,

The resolution was laid on the table.

On motion of Mr. Brookings,

Council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:

A. F. SHAW,

Secretary.

SIXTEENTH DAY.

COUNCIL CHAMBER,
Tuesday, Dec. 22d, 1868.

Council met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members responded to their names, as follows:

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher and Mr. President.

Absent, Mr. Wood.

Mr. Brookings offered a document entitled the "Reply of J. I. Blair, President of the Sioux City Branch, Union Pacific Railroad Company, to a letter and resolution from the house of representatives of Dakota Territory, with reference to the extension of the Sioux City & Pacific Railroad Company,"

And asked that it be laid on the table, and

Leave being granted,

The document was laid on the table.

REPORTS OF COMMITTEES.

Mr. Green, from committee on counties, made the following report:

MR. PRESIDENT:—Your committee to whom was referred house file No. 20, have had the same under consideration, and report it back without amendment, and recommend its passage.

House file No. 20, entitled, A bill for an act supplementary to chapter thirteen, session laws of 1867–68, entitled, "An act to provide for the vacating and changing of highways,

Was then taken up, and

Read the third time.

The question then being upon its passage, and it being put "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher and Mr. President.

None voting in the negative.

So the bill passed, and

Its title was agreed to.

On motion of Mr. Brookings,

The council took an indefinite recess.

Council called to order.

On motion of Mr. Benedict,

Council adjourned.

Approved:
N. J. WALLACE,
President.

Attest:
A. F. SHAW,
Secretary.

SEVENTEENTH DAY.

COUNCIL CHAMBER,
Wednesday, Dec. 23rd, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher and Mr. President.

Absent, Mr. Wood.

Journal of yesterday's proceedings read and approved.

REPORTS OF COMMITTEES.

Mr. Kellogg from committee on Territorial affairs, submitted the following report:

MR. PRESIDENT:—A majority of your committee on Territorial affairs, to whom was referred council bill No. 6, have

had the same under consideration, and have agreed to report the bill with the following amendments, and recommend the passage of the bill.

A. H. HAMPTON,
GEO. W. KELLOGG.

Council bill No. 6, amended as follows:

In the title of the bill, in the third line, strike out the word "Florida," and the word "and" after Florida.

In section 1, in the ninth line, strike out the word "Florida" and the word "or" after Florida.

In section 2, seventh line, strike out the word "Florida," and the word "and" after Florida.

Section 4, second line, strike out the words "after paying." In third line, strike out "all costs."

Mr. Kellogg moved the adoption of the amendments.

Which motion prevailed.

Mr. Kellog moved the bill be considered engrossed, and put on its final passage.

Which motion prevailed.

Mr. Benedict moved to recommit the bill to the judiciary committee.

Which motion prevailed, and

The bill was recommitted.

Mr. Hampton from committee on Territorial affairs made the following report:

MR. PRESIDENT:—Your committee on Territorial affairs, have had under consideration house file No. 24, A bill in relation to taxing real and personal property, and beg leave to report the same back, and recommend that it do pass.

A. H. HAMPTON,
Chairman.

Mr. Rossteuscher from committee on Indian affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Indian affairs to whom was referred the house substitute for council bill No. 11, entitled A memorial to Congress, protesting against the transfer of the Indian bureau to the War Department, beg leave to re-

port the same back, and recommend the adoption of the substitute.

CHAS. F. ROSSTEUSCHER,
Chairman.

Mr. Rossteuscher from committee on enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled bills, ask leave to report that they have examined council bill No. 2, entitled An act to authorize the county commissioners of Yankton county, to raise money for the erection of a jail, and find the same correctly enrolled.

CHAS. F. ROSSTEUSCHER,
Chairman.

Mr. Rossteuscher from committee on finance, submitted the following report:

MR. PRESIDENT:—A majority of your committee on finance to whom was referred council bill No. 18, entitled "A bill relative to county commissioners, and county clerks, have had the same under consideration, and recommend that it do pass.

CHAS. F. ROSSTEUSCHER,
J. A. LEWIS,
Com. on Finance.

Mr. Rossteuscher from committee on finance, submitted the following report:

MR. PRESIDENT:—Your committee on finance to whom was referred council bill No. 9, entitled A bill for an act concerning revenue, ask leave to report the same back, recommending that it be made the special order of committee of the whole, this day at 12 o'clock, M.

CHAS. F. ROSSTEUSCHER,
Chairman.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Tuesday, December 22d, 1868.

MR. PRESIDENT:—I am instructed to inform the council that

the house did, on the 21st inst., agree upon the following resolution, to-wit:

Whereas, A message having been received from the council, informing the house, that the council had passed house file No. 17; and

Whereas, There is attached to said house file what appears to be, two amendments to said bill. Be it therefore

Resolved, That house file No. 17, be returned to the council, requesting that body to inform this house whether any amendments were made to said bill in the council.

GEO. I. FOSTER,
Chief Clerk.

The secretary was instructed to inform the house, that the bill was amended in the council and returned with amendment attached.

Council bill No. 9, A bill for an act concerning revenue.

Was then taken up, and

On motion of Mr. Brookings,

Referred to committee of the whole.

As soon as the president's table was cleared, council bill No. 11, A memorial to Congress, relative to Indian affairs, (substitute.)

Was then taken up, and

Read a third time, and

On motion of Mr. Brookings,

The house amendments were concurred in.

Council bill No. 18, A bill relative to county commissioners, and county clerks.

Was then taken up, and

On motion of Mr. Brookings,

Was made the special order of Tuesday, Dec. 29th, at 11 o'clock, a. m.

House file No. 24, An act in relation to taxing real and personal property,

Was then taken up, and

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 8; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Carpenter, Fraley, Hampton, Kellogg, Lewis and McIntyre.

Those voting in the negative, were

Messrs. Brookings, Green and Mr. President.

Not voting, Messrs. Rossteuscher and Wood.

So the bill passed, and

Its title was agreed to.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Wednesday, Dec. 23rd, 1868.

MR. PRESIDENT:—I am instructed to inform the council that the house did, on the 22d inst., pass house file No. 26, (substitute) entitled A bill for an act to divide the township of Jefferson, in Union county, which bill is herewith transmitted and the concurrence of the council respectfully requested.

GEO. I. FOSTER,
Chief Clerk.

On motion of Mr. Brookings,

The council resolved itself into a committee of the whole on council bill No. 9, An act concerning revenue.

After some time spent therein, the committee arose, and through their chairman, made the following report:

MR. PRESIDENT:—The committee of the whole, have had under consideration, council bill No. 9, and ordered it reported back and made the special order for Tuesday next.

J. A. LEWIS,
Chairman.

On motion of Mr. Brookings,

The report was accepted.

On motion of Mr. Brookings,

Council bill No. 9, was referred to special committee consisting of

Messrs. Lewis, Wood, Fraley, McIntyre, Austin and Kellogg.

On motion of Mr. Brookings,
Council took a recess of 15 minutes.
Council called to order, and
On motion of Mr. Kellogg,
The council adjourned.

Approved:
N. J. WALLACE,
President.

Attest:
A. F. SHAW,
Secretary.

EIGHTEENTH DAY.

COUNCIL CHAMBER,
Thursday, Dec. 24th, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Austin, Benedict, Brookings, Green, Kellogg, Lewis, McIntyre and Mr. President.

Absent, Messrs. Carpenter, Fraley, Hampton, Rossteuscher and Wood.

Journal of yesterday's proceedings read and approved.

PETITIONS.

Mr. Austin laid on the table a petition from D. M. Mills to His Excellency, A. J. Faulk, in relation to Indians.

On motion of Mr. Brookings,
Referred to committee on Indian affairs.

NOTICE OF BILLS.

Mr. McIntyre gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill concerning the collection of rents.

REPORTS OF COMMITTEES.

Mr. McIntyre, from committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture, to whom was referred house file No. 6, An act concerning lost goods and estrays, have had the same under consideration, and ask leave to report the same back, and recommend that it do pass.

C. H. McINTYRE,
Chairman Com.

Mr. Brookings, from judiciary committee, submitted the following report:

MR. PRESIDENT:—Your committee to whom council bill No. 16, was referred, beg leave to report back the same without recommendation.

W. W. BROOKINGS,
Chairman.

The following communications from the house were then read:

HOUSE OF REPRESENTATIVES,
Wednesday, Dec. 23d, 1868.

MR. PRESIDENT:—I am instructed to inform the council that the house has this day passed the following house files, to-wit:

House file No. 25, entitled, A bill for an act to provide for the partition of lands;

House file No. 30, A bill for an act constituting the counties of Albany and Carbon, a part of the second judicial district, and for other purposes; and

House file No. 28, entitled, A bill for an act to confer upon women the elective franchise, and the eligibility to office, which bills are herewith transmitted, and the concurrence of the council respectfully requested.

I am also instructed to inform the council that the house has this day refused to concur in council amendments to house file

No. 17, entitled, A memorial to Congress praying for an appropriation to codify the laws of Dakota Territory.

GEO. I. FOSTER,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Thursday, December 24th, 1868.

MR. PRESIDENT:—I am instructed to inform the council that the house has this day passed house file No. 32, entitled, A memorial to the President of the United States, relative to the Pembina Indians, which bill is herewith transmitted and the concurrence of the council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

Council bill No. 16, A memorial to Congress relative to a U. S. Land Office in the valley of the Red River of the North,

Was then taken up, and
Read the third time, and

The question now being on the passage of the bill, and the question being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 7; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Austin, Brookings, Green, Kellogg, Lewis, McIntyre and Mr. President.

Those voting in the negative, were

Mr. Benedict.

So the bill passed, and
Its title was agreed to.

House file No. 6, An act concerning lost goods and estrays,

Was then taken up, and
Read a third time, and
On motion of Mr. Brookings,
Laid on the table and made special order of Wednesday, Dec. 30, 1868.

House file No. 17, A memorial to Congress praying for an appropriation to codify the laws of Dakota Territory.

On motion of Mr. Brookings,

The council insisted on their amendment.

House file No. 26, A bill for an act to divide the township of Jefferson, in Union county.

Mr. Kellogg moved that the bill be referred to a committee consisting of the delegation from Union county.

Which motion prevailed, and

The bill was accordingly referred.

House file No. 28, A bill for an act to confer upon women the elective franchise, and the eligibility to office,

Was then taken up, and

Read first and second time, and

On motion of Mr. Brookings,

Was made the special order of Tuesday, Dec. 29th, 1868, at 11 o'clock a. m.

House file No. 25, A bill for an act to provide for the partition of lands,

Was then taken up, and

Read first and second time, and

On motion of Mr. Kellogg,

Referred to judiciary committee.

House file No. 30, A bill for an act constituting the counties of Albany and Carbon, a part of the second judicial district, and for other purposes,

Was then taken up, and

Read the first and second time, and

Referred to judiciary committee.

House file No. 32, A memorial to the President of the United States, relative to the Pembina Indians,

Was then taken up, and

Read first and second time, and

Referred to judiciary committee.

On motion of Mr. Austin,

The council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:

A. F. SHAW,

Secretary.

NINETEENTH DAY.

COUNCIL CHAMBER,
Friday, Dec. 25th, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

Union county delegation, by unanimous leave, introduced council bill No. 17, A bill for an act to authorize the county commissioners of Union county, to pay for recording certain records.

Read first and second time, and

On motion of Mr. Kellogg,

Referred to select committee, consisting of Union county delegation.

On motion of Mr. Brookings,

The council adjourned.

Approved:
N. J. WALLACE,
President.

Attest:
A. F. SHAW,
Secretary.

TWENTIETH DAY.

COUNCIL CHAMBER,
Saturday, December 26th, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

On motion of Mr. Kellogg,

The reading of the journal dispensed with.

On motion of Mr. Green,

Council adjourned.

Approved:

N. J. WALLACE,
President.

Attest:

A. F. SHAW,
Secretary.

TWENTY-SECOND DAY.

COUNCIL CHAMBER,
Monday, December 28, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Austin, Benedict, Brookings, Green, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

Absent, Messrs. Carpenter, Fraley and Hampton.

On motion of Mr. Kellogg,

Reading of journal dispensed with.

On motion of Mr. Brookings,

The council took a recess of five minutes.

Council called to order.

INTRODUCTION OF BILLS.

Mr. Brookings introduced council bill No. 19, A memorial to the Secretary of War, praying for the removal of Fort Dakota; also

Council bill No. 20, An act to re-locate the Territorial road from Yankton to "James River Bridge;" also

Council bill No. 21, A memorial to Congress praying for the extension of the Sioux City & Pacific Railroad to Yankton, Dakota Territory.

RESOLUTIONS.

Mr. McIntyre submitted the following resolution:

Resolved, That an invitation be extended to the ladies of Yankton, to visit this council Tuesday, the 29th instant, at 11 o'clock a. m., that being the time appointed to discuss the question relative to female suffrage in this Territory.

C. H. McINTYRE.

Mr. Rossteuscher moved to indefinitely postpone the resolution.

Mr. Brookings moved to lay the motion on the table.

Which motion prevailed.

On motion of Mr. Brookings,

The resolution was adopted.

Mr. Rossteuscher submitted the following resolution:

Resolved, That B. E. Wood, the member from Charles Mix, be excused for non-attendance from Wednesday, Dec. 16 up to the present day.

REPORTS OF COMMITTEES.

Mr. Rossteuscher, from committee on enrolled bills submitted the following reports:

MR. PRESIDENT :—Your committee on enrollment, to whom was referred house substitute for council bill No. 11, entitled "A memorial to Congress protesting against the transfer of the Indian Bureau to the War Department," beg leave to report the same correctly enrolled.

CHAS. F. ROSSTEUSCHER,
Chairman.

MR. PRESIDENT :—Your chairman of the committee on enrolled bills beg leave to report that on this 25th day of December, 1848, at half past ten o'clock, he has handed to His Excellency, the Governor, for his approval, council bill No. 2, entitled "An act to authorize the county commissioners of Yankton county, to raise money for the erecion of a jail."

CHAS. F. ROSSTEUSCHER,
Chairman.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Friday, December 25, 1868.

MR. PRESIDENT :—I am instructed to inform the council that the house has this day passed council bill No. 15, entitled A memorial to U. S. Grant, President of the United States, asking the appointment of W. W. Brookings to the office of Governor of Dakota Territory, which bill is herewith returned ;

I am also instructed to inform the council that the house has this day passed house file No. 27, entitled A memorial to Congress asking for the erection of an additional land district on the Missouri river, in Dakota Territory, which bill is herewith transmitted, and the concurrence of the council respectfully requested.

GEO. I. FOSTER,
Chief Clerk.

Council bill No. 19, A memorial to the Secretary of War, praying for the removal of Fort Dakota.

Was then taken up, and

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 10; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Green, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

Council bill No. 20, An act to relocate the Territorial road, from Yankton, to "James river bridge."

Was then taken up, and

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended, and the bill

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 9; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Green, Kellogg, Lewis, McIntyre, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Monday, December 28th, 1868.

MR. PRESIDENT:—I am instructed to inform the council, that the house has this day passed council bill No. 12, (substitute) entitled A memorial to Congress, praying for an appropriation to erect a Capitol Building in Dakota Territory, which bill is herewith returned and the concurrence of the council respectfully requested therein.

I am also instructed to inform the council that the house has this day passed house file No. 34, entitled A memorial to Congress for an appropriation to construct a wagon road, from Fort Abercrombie, down the Red River of the North, which

bill is herewith transmitted and the concurrence of the council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

The following communication from His Excellency, the Governor, was then read:

EXECUTIVE OFFICE,
Yankton, D. T., Dec. 25, 1868.

Hon. N. J. Wallace, President of the Council:

SIR:—I have the honor to transmit herewith a bill entitled "An act to authorize the county commissioners of Yankton county to raise money for the erection of a jail," which I have approved and signed. I am, Very Respectfully,

Your Ob't Servant,
A. J. FAULK,
Governor.

Council bill No. 21, A memorial to Congress praying for the extension of the Sioux City & Pacific Railroad to Yankton, Dakota Territory.

Was then taken up, and

Read a first and second time, and

On motion of Mr. Brookings,

Was laid on the table until Tuesday, Dec. 29th.

House file No. 27, A memorial to Congress, asking for the creation of an additional land district on the Missouri river, in Dakota Territory.

Was then taken up, and

Read first and second time, and

On motion of Mr. Brookings,

Was laid on the table until Tuesday, Dec. 29th.

House file No. 34, A memorial to Congress an appropriation to construct a wagon road, form Fort Abercrombie, down the Red River of the North.

Was then taken up, and

Read first and second time, and

On motion of Mr. Brookings,

Referred to committee on federal relations.

House substitute for council bill No. 12, A memorial to Congress, praying for an appropriation to erect a Capitol Building in Dakota Territory.

Was then taken up, and

Substitute concurred in by the council.

Mr. Brookings, from judiciary committee, submitted the following report:

MR. PRESIDENT:—Your committee on the judiciary to whom was referred house files Nos. 30 and 32, beg leave to report the same back, and recommend that they do pass.

W. W. BROOKINGS,
Chairman.

House file No. 30, A bill for an act constituting the counties of Albany and Carbon, a part of the second judicial district, and for other purposes.

Was then taken up, and

Read a third time.

The question now being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 10; noes none, as follows:

Those voting in the affirmative, were,

Messrs. Austin, Benedict, Brookings, Green, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

None voting in the negative.

So the bill passed, and

Its title was agreed to.

House file No. 32, A memorial to the President of the United States, relative to the Pembina Indians.

Was then taken up, and

Read a third time, and

The question now being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 10; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Green, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

None voting in the negative,
So the bill passed, and
Its title was agreed to.

House file No. 5, An act concerning Territorial roads,
Was then taken up, and
Read a third time.

The question now being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 10; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Green, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

None voting in the negative.

So the bill passed, and

Its title was agreed to.

Mr. Benedict, from committee on public lands, by unanimous leave submitted the following report:

MR. PRESIDENT:—Your committee to whom was referred house file No. 16, have had the same under consideration, and report the same back without amendment, recommending that it do pass.

W. W. BENEDICT,
J. A. LEWIS,
H. J. AUSTIN,
Committee.

House file No. 16, A memorial to Congress relative to a U. S. Land Office in the valley of the Red River of the North,

Was then taken up, and

Read a third time.

The question now being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 8; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Green, Kellogg, Lewis, McIntyre and Mr. President.

Those voting in the negative, were

Messrs. Rossteuscher and Wood.

So the bill passed, and

Its title was agreed to.

On motion of Mr. Brookings,

The council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:

A. F. SHAW,

Secretary.

TWENTY-THIRD DAY.

COUNCIL CHAMBER,
Tuesday, Dec. 29th, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

On motion of Mr. Kellogg,

Reading of journal dispensed with.

NOTICE OF BILLS.

Mr. McIntyre gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a bill to regulate chattle mortgages and bills of sale of personal property.

Mr. Rossteuscher gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill regulating the fees of county officers.

Mr. Brookings, from the committee on judiciary, submitted the following report:

MR. PRESIDENT:—Your committee on the judiciary, to whom was referred house file No. 25, beg leave to report the same back and recommend that it do pass; also

No. 18, by substitute, and recommend that it do pass.

Mr. McIntyre, from committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture, to whom was referred house file No. 21, A bill for an act to prevent the firing of woods, marshes and prairies, in this Territory, have had the same under consideration, and would report the same back and recommend that it do pass.

C. H. McINTYRE,
Chairman Com.

Mr. Lewis, from special committee, submitted the following report:

MR. PRESIDENT:—Your special committee have had council bill No. 9 under consideration, and beg leave to report the same back without recommendation.

J. A. LEWIS,
Chairman.

Mr. McIntyre, from committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee to whom was referred house file No. 19, "A bill for an act to encourage the planting and growing of timber," have had the same under consideration, and would report the same back recommending its passage.

C. H. McINTYRE,
Chairman.

Mr. Brookings, from judiciary committee, submitted the following report:

MR. PRESIDENT:—Your committee on railroads to whom house file No. 14 was referred, beg leave to report the same back with the accompanied amendments.

W. W. BROOKINGS,
Chairman.

Council bill No. 21, A memorial to Congress praying for the extension of the Sioux City & Pacific Rrilroad to Yankton, Dakota Territory,

Was then taken up, and

Read a third time.

Mr. Austin moved the bill be postponed two days.

Which motion was lost.

The question then being on the passage of the bill, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

House file No. 27, A memorial to Congress asking for the creation of an additional land district on the Missouri River,

Was then taken up, and

On motion of Mr. Austin,

Referred to Territorial affairs, and instructed to report the same back tomorrow.

Council bill No. 18, A bill relating to county commissioners and county clerks.

On motion of Mr. Brookings,

The bill was laid on the table.

House file No. 25, A bill for an act for the partition of lands,

Was then taken up, and

Read the third time.

The question now being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Brookings, Carpenter, Fraley, Green,

Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

House file No. 28, A bill for an act to confer upon woman the elective franchise, and the eligibility to office.

Mr. Rossteuscher submitted the following preamble and resolution:

Whereas, A deep interest is manifested by the members of this council in the womens right question; and

Whereas, The eminent advocates of these rights, viz: Susan B. Anthony, Lucy Stone and others, are too far distant from Dakota Territory, to personally defend their cause before this honorable body; and

Whereas, There are women in our midst equally sincere advocates of these rights. Therefore, be it

Resolved, That these women be granted the privilege of this floor; that they may be heard on a question of so great importance for the welfare of this nation.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Tuesday, December 29th, 1868.

MR. PRESIDENT:—I am instructed to inform the council, that the house has this day passed house file No. 23, entitled An act defining the action of mandamus, and prescribing the practice thereof, which bill is herewith transmitted and the concurrence of the council respectfully requested therein.

I am also instructed to inform the council that the house has this day appointed a committee of conference on house file No. 17, A memorial to Congress praying for an appropriation to codify the laws of Dakota Territory.

Messrs. Jolley, Bennett and Keegan are named as such committee.

The council are respectfully requested to appoint a like committee.

GEO. I. FOSTER,
Chief Clerk.

Mr. Brookings moved to postpone further action until the next legislature.

Mr. Kellogg moved the bill, preamble and resolution be laid on the table until to-morrow.

Ayes and noes being called and ordered, the vote stood,

Ayes 8; noes 4, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Brookings, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

Those voting in the negative, were

Messrs. Carpenter, Fraley, Green and Hampton.

So the motion to lay on the table was carried.

House file No. 14, A bill for an act repealing the charter of the Dakota & Northwestern Railroad Company,

Was then taken up, and

Read the third time, as amended.

On motion of Mr. Brookings,

The amendment was adopted.

The question now being on its passage, and it being put "shall the bill pass?"

It was decided in the negative.

Ayes 5; noes 7, as follows:

Those voting in the affirmative, were

Messrs. Brookings, Green, McIntyre, Rossteuscher and Mr. President.

Those voting in the negative, were

Messrs. Austin, Carpenter, Fraley, Hampton, Kellogg, Lewis and Wood.

Mr. Kellogg moved to reconsider the vote, and that the motion to reconsider be laid on the table.

Which motion was lost.

Council bill No. 9, A bill for an act concerning revenue,

Was then taken up, and

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the negative.

Ayes 2; noes 10, as follows:

Those voting in the affirmative, were

Messrs. Brookings and Rossteuscher.

Those voting in the negative, were

Messrs. Austin, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Wood and Mr. President.

So the bill was lost.

House file No. 21, A bill for an act to prevent the firing of woods, marshes and prairies,

Was then taken up, and

Read a third time, and

On motion of Mr. Kellogg,

The bill was laid on the table until to-morrow.

House file No. 19, A bill for an act to encourage the growing and protection of timber,

Was then taken up, and

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 8; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Austin, Brookings, Carpenter, Fraley, Green, McIntyre, Wood and Mr. President.

Those voting in the negative, were

Messrs. Hampton, Kellogg, Lewis and Rossteuscher.

So the bill passed, and

Its title was agreed to.

House file No. 18, (council substitute), A bill defining the rights of occupying claimants, prescribing the manner of enforcing the same and quieting the title to lands so occupied,

Was then taken up, and

On motion of Mr. Brookings,

Substitute was adopted.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting for the bill, were

Messrs. Austin, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre Rossteuscher, Wood and Mr. President.

None voting in the negative.

So the bill passed, and

Its title was agreed to.

Mr. Rossteuscher from committee on Indian affairs, submitted the following report:

ELK POINT, December 21, 1868.

A. J. Faulk, Governor:

YOUR EXCELLENCY:—I write to you, by request of many of our people, in relation to a gross outrage recently committed upon some Indians, whose only offense was, that they were hunting in the surrounding settlements; the offense was, that five men went to the Indian lodges when all the Indians but one were gone—knocked the Indian down, threw the squaws and children out of the lodges, ravished one young squaw, and burnt the lodges and all their fur and provisions.

Should your Excellency see fit to take any steps for the punishment of these human monsters, the people will aid you to the extent of their ability. Should you wish to know more in this matter, I will give you the names of three of the party, and, if possible, the remaining two, as there were five of them.

And now, your Excellency, I trust you will give me credit for the kindest feelings in relation to yourself, as well as to the Indians, for from you I have received nothing but kindness; but this incident affords another evidence of the necessity of instructing the Indian agents to exercise all their influence to keep the Indian away from the settlements, for this incident goes to show that even among our own people all are not prudent—all are not wise; nor do all have a thought for possible consequences, which may arise from unprovoked acts. Were the Indian to stay away from the settlements, incidents of this kind would not occur. The massacre at Spirit Lake arose from an offense more trivial in its nature than this. It is fearful to contemplate what may be the possible ultimatum of this unhappy occurrence; and when we realize that such incidents as those of a kindred and like aggravating nature will be of frequent occurrence, as long as the Indian is allowed to hunt in

the settlements. The possibility of what may arise from unprovoked assaults of this kind, may be obviated by the Indian staying far distant from the settlement; but, your Excellency, as those of our own race have been the offenders, let us show the Indian that we are ready and determined to punish the wrong doer and to meet out equal and exact justice to all, regardless of nationality or color.

Hoping that you will take such steps as will bring the parties to merited punishment, and enable us to show to all the world our love of justice and abhorrence of the wrong doer.

I remain,

Very Respectfully, Yours,

D. M. MILLS.

GOV. A. J. FAULK.

MR. PRESIDENT:—Your committee on Indian affairs to whom the foregoing communication to His Excellency, the Governor, was referred, beg leave to report that your committee after conferring with several reliable persons, residents in the immediate neighborhood of the alleged outrage, who, within the last few days left Union county without having heard anything of the matter, have entertained great doubts as to the truth of the statements made by D. M. Mills. Your committee had addressed a communication to him, requiring him to furnish the committee with the names of the parties, to which the following reply has been received:

ELK POINT, Dec. 28, 1868.

C. F. Rossteuscher—DEAR SIR:—The names of the parties committing the outrage upon the Indians, so far as I know are Baker, Randall and Gray; the other two I do not know. Two or three of these men have left the country. I got this knowledge of their names from Mr. Brewster; the parties are strangers to me.

Very Respectfully, Yours,

D. M. MILLS.

C. F. ROSSTEUSCHER.

P. S.—I wish your honorable body would memorialize Congress to locate these Indians on the reservation under General Harney. Occurrences of like character will be frequent so

long as they are allowed to hunt among the whites, and in the end will be fruitful of much harm.

This letter shows plainly that D. M. Mills had no personal knowledge of the matter, but has his story from Mr. Brewster. Your committee is well satisfied that this Indian tale was got up for a purpose. The postscript shows the design all in a nutshell. But even if the outrage had been committed, it would not give grounds for any further general legislation on the subject, as there is a criminal code for the punishment of offenders on our statute books. As for the Indians, chapter 46, laws of 1862, amply provides for a mode of punishment in case they stay in the settlements.

Your committee would recommend in order "to meet out equal and exact justice to all, regardless of nationality or color," that this council instruct the delegation from Union county to report at the earliest date, "A bill for the immediate erection of a jail in said county," all of which is respectfully submitted.

CHAS. F. ROSSTEUSCHER,
Chairman.

On motion of Mr. Brookings,
Council adjourned.

Approved:
N. J. WALLACE,
President.

Attest:
A. F. SHAW,
Secretary.

TWENTY-FOURTH DAY.

COUNCIL CHAMBER,
Wednesday, Dec. 30th, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

On motion of Mr. Brookings,

The reading of yesterday's journal dispensed with.

Mr. Brookings moved that the council appoint a committee of conference, on house file No. 17, "A memorial to Congress, praying for an appropriation to codify the laws of Dakota Territory."

Which motion prevailed, and

Messrs. McIntyre, Lewis and Kellogg, appointed such committe, to confer with a like committee from the house.

On motion of Mr. Kellogg,

Committee on Territorial affairs were allowed until to-morrow to make a report on house file No. 27, A memorial to Congress, asking for the creation of an additional land district on the Missouri river, Dakota Territory.

House file No. 28, A bill conferring on women the elective franchise, and the eligibility to office,

Was then taken up.

Mr. Benedict moved that the bill be indefinitely postponed.

Mr. Fraley moved to lay the motion on the table.

Which motion prevailed.

Mr. Rossteuscher called up preamble and resolution of yesterday's proceedings.

Mr. Kellogg moved the preamble and resolutions be adopted.

Which motion was lost.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Tuesday, December 30th, 1868.

MR. PRESIDENT:—I am instructed to inform the council that the house has this day passed the following council bills, to-wit:

Council bill No. 19, entitled A memorial to the Secretary of War, praying for the removal of Fort Dakota.

Council bill No. 21, entitled A memorial to Congress, praying for the extension of the Sioux City and Pacific Rairoad, to Yankton, Dakota Territory, which bills are herewith returned.

I am also instructed to inform the council that the house has this day agreed to council substitute for house file No. 18, entitled A bill defining the rights of occupying claimants, prescribing the manner of enforcing the same, and quieting the title to lands so occupied.

GEO. I. FOSTER,
Chief Clerk.

The question now being on the passage of the bill, and it being put, "shall the bill pass?"

It was decided in the negative.

Ayes 6; noes 7, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Carpenter, Fraley, Green, Hampton and Lewis.

Those who voted in the negative, were

Messrs. Benedict, Brookings, Kellogg, McIntyre, Rossteuscher, Wood and Mr. President.

Mr. Austin asked leave to change his vote, leave being granted, the vote stood:

Those voting in the affirmative,

Messrs. Carpenter, Fraley, Green, Hampton and Lewis.

Negative,

Messrs. Austin, Benedict, Brookings, Kellogg, McIntyre, Rossteuscher, Wood and Mr. President.

So the bill was lost.

Mr. Kellogg moved to reconsider the vote, and also moved to lay the motion to reconsider on the table.

Motion withdrawn.

Mr. Brookings called up the motion to reconsider the vote on house file No. 14, A bill for an act repealing the charter of the Dakota & Northwestern Railroad company.

The ayes and noes being called for and ordered, the vote stood:

Ayes 7; noes 6, as follows:

Those who voted in the affirmative, were

Messrs. Benedict, Brookings, Green, Lewis, McIntyre, Rossteuscher and Mr. President.

Those who voted in the negative, were

Messrs. Austin, Carpenter, Fraley, Hampton, Kellogg and Wood.

So the motion to reconsider was carried.

On motion of Mr. Brookings,

Council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:

A. F. SHAW,

Secretary.

TWENTY-FIFTH DAY.

COUNCIL CHAMBER,
Thursday, Dec. 31st, 1868.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

Journal of preceding day read and approved.

On motion of Mr. Brookings,

Jesse B. Watson of Clay county, was invited to a seat within the bar of the council.

NOTICE OF BILLS.

MR. PRESIDENT:—Mr. Benedict gave notice that on to-morrow, or some subsequent day of the session, that he should ask leave to introduce a bill to prevent certain male animals from running at large.

MR. PRESIDENT:—I give notice that on to-morrow, or some subsequent day of the session, I will introduce a bill to define the boundaries of the organized counties of this Territory.

B. E. WOOD.

INTRODUCTION OF BILLS.

Mr. Brookings introduced council bill No. 22, A bill to incorporate the city of Yankton.

Mr. McIntyre introduced council bill No. 23, A bill to regulate chattle mortgages and bills of sale of personal property.

Mr. Rossteuscher introduced council bill No. 28, A bill to regulate the fees of certain officers.

Mr. Austin submitted the following motion;

MR. PRESIDENT:—I move that all absentees be excused for non-attendance up to the present time.

H. J. AUSTIN.

Which motion prevailed.

Mr. Brookings submitted the following resolution;

MR. PRESIDENT:—I move that fifty copies of the memorial to Congress for a land grant, for the Sioux City and Pacific Railroad, be printed for the use of the council.

W. W. BROOKINGS.

REPORTS OF COMMITTEES.

Mr. Austin from committee on education, submitted the following report:

MR. PRESIDENT:—Your committee to whom was referred house file No. 9, A bill to provide common schools for the Territory of Dakota, report the same back and recommend that it do pass.

H. J. AUSTIN,
Chairman.

Mr. Rossteuscher, from enrolling committee, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills beg leave to report that they have examined council bill No. 15, entitled A memorial to His Excellency, U. S. Grant, President of the United States, asking the appointment of W. W. Brookings to the office of Governor of Dakota Territory; also

Council bill No. 12, A memorial to Congress praying for an appropriation to erect a capitol building," and find them correctly enrolled.

CHAS. F. ROSSTEUSCHER,
Chairman.

Mr. Brookings, from the judiciary, submitted the following report:

MR. PRESIDENT:—Your committee on the judiciary, to whom house file No. 7 was referred, beg leave to report the same back and recommend its passage.

W. W. BROOKINGS,
Chairman.

The following communication was then read:

ROOMS OF THE
NATIONAL LINCOLN MONUMENT ASSOCIATION,
No. 499 Eleventh Street,
Washington, D. C., Dec.— —, 1868.

SIR:—We have the honor herewith to transmit one of the subscription books of this association, which contains the act of incorporation, the names of managers, and the early proceedings of the association and of the board of managers, with such other information as will enable you to form an accurate judgment of the great national enterprise in which we are engaged.

The small paper also enclosed contains information of the progress of the work thus far.

From these, it will appear: 1st, That the proposed monument is national in character and designed to perpetuate the memory of the men and events most prominent in the country's history during the great contest for its preservation now happily closed. 2d, That the United States Government, fully appreciating the importance and national character of the work, has donated to the monument the metal for the construction of the statues to be placed thereon, estimated to be of the value of at least $100,000. 3d, That collections are being regularly made with every prospect of early and complete success, and that a portion of the work is already under contract and in progress.

It is the desire of the managers that all the citizens of the republic, and especially all those engaged in public employments, whether State or National, should have an opportunity to contribute.

It is, therefore, in behalf of the board of managers, that you are requested to bring the matter to the attention of the body

over which you preside, with a view to personal contribution by the members, and to the appropriation of such amount as may be proper by the Territorial Government.

We have the honor to be, with great respect,

Your obedient servants,

JAS. HARLAN,

President.

J. M. EDMUNDS,

Secretary.

To Hon. President of the Senate, Dakota Territory.

AUDITOR'S OFFICE,
YANKTON, D. T., Dec. 31, 1868.

Hon. N. J. Wallace, President of the Council:

Please lay the enclosed communication before the council, and oblige. Very Respectfully,

Your obedient servant,

I. T. GORE,

Auditor.

Per HAND.

The following tabular statements embrace a full and complete exhibit of the condition of the Territorial finances for the two years, commencing January 1st, 1867, and closing January 1st, 1869:

RECEIPTS.

YANKTON COUNTY.

Jan. 25, 1867,	Received of	A. G. Fuller,	Co.	Treas'r	$ 60 00
Feb. 25,	"	"	"	"	50 00
June 7,	"	"	"	"	44 00
Dec. 20,	"	"	"	"	69 29
Jan. 18, 1868,	Received of	Michael Fisher,	Co.	Treas'r	130 00
Apr. 23,	"	"	"	"	38 98
Total,	-	-	-	-	$392 27

UNION COUNTY.

Jan. 1, 1867,	Received of	I. T. Gore,	Co.	Treas'r	$ 60 00
Feb. 1,	"	Wm. Searls,	Co.	Treas'r	92 50
Apr. 7, 1868,	"	"	"	"	184 25
Total,	-	-	-	.	$336 75

CLAY COUNTY.

Jan. 5, 1867,	Rec'd of Ole Bottolfson, Co. Treas'r	$ 49 82
Apr. 22, 1868,	" " "	101 14
Dec. 24, "	" " "	5 25
Total,		$156 21

BON HOMME COUNTY.

Dec. 3, 1867,	Rec'd of Benton Fraley, Co. Treas'r	$ 10 00

CLARLES MIX COUNTY.

Dec. 3, 1867,	Received of Co. Treasurer	$ 20 17
Total Receipts for 1867 and '68		$920 65

DISBURSEMENTS

No. OF WAR'NT	AM'T	DATE OF ISSUE.	DATE OF PAYMENT	TO WHOM ISSUED	TO WHOM PAID.	NATURE OF IND'TNESS
A	50.00	Jan. 3	Jan 3	I. T. Gore	I. T Gore	Serv ces as Ter. Auditor for 1865-66
1	14 00	" 21	" 21	Chas F. Rossteuscher	Chas. F. Rossteuscher	Services as witness before Legislature
2	20 00	" 29	" 31	Jas. S Foster	Jas. S. Foster	Services as Sup't Public Schools
3	7.00	" 29	Feb. 1	John J. Thompson	Bramble & Miner	Transportation and charges on books
4	2.00	Feb. 5	" 5	Jas. A. Hand	Jas. A. Hand	Blank book for Auditor's office
5	40 00	" 5	" 6	L. Case	L. Case	Serv En. C'k and Eng's'g cl'k of council
6	25.00	" 11	" 12	G. W. Kingsbury	G W. Kingsbury	Prt'ng blank Ter. warrants & school rep.
7	2.00	" 11	" 12	M. K. Armstrong	M. K. Armstrong	Blank books for Treasurer's office
8	10 40	March 13	April 3	John Bradford	John Bradford	Bringing election returns from Union co
9	20.50	" 14	March 15	S L Spink	S. L. Spink	Money advanced to pay charges on books.
10	12 50	" 25	" 25	I. T. Gore	Geo. H. Hand	First quarters salary as Auditor
11	6.00	" 30	" 30	N. Edmunds	N. Edmunds	Services on Board of Education
12	6 00	" 30	" 30	S. L. Spink	S. L. Spink	" " " "
13	12.50	April 3	April 2	M K. Armstrong	M. K. Armstrong	First quarters salary as Treasurer
14	20.00	" 10	May 23	Geo. Stickney	Geo. Stickney	Furn. abstract of taxable lands in the Ter.
15	44.00	June 18	June 28	G. W. Kingsbury	G. W. Kingsbury	Printing school blanks.
16	12;50	July 10	July 10	I. T. Gore	I T. Gore	Second quarters salary as Auditor
17	29.25	" 10	" 10	J L. Kelley	J. L Kelley	Money adv'nced for transport'n of arms.
18	2.35	Aug. 9	April 13	John Thompson	Bramble & Miner	Transportation on books
19	12.50	Oct. 1	Nov. 18	I. T. Gore	Geo. H. Hand	Third quarters salary as Auditor
20	12.50	" " 1	" 18	M. K. Armstrong	M K. Armstrong	Second quarters salary as Treasurer
21	12.50	Nov. 18	Dec. 23	M. K. Armstrong	"	Third quarters salary as Treasurer

DISBURSEMENTS. (Continued.)

No. OF WAR'NT	AM'T	DATE OF ISSUE.	DATE OF PAYMENT	TO WHOM ISSUED	TO WHOM PAID	NATURE OF INDEBTEDNESS
22	78.00	Dec. 9	Jan. 10	Jas. S. Foster	Jas. S. Foster	Supt. Public Instruction
23	12.50	Jan. 8	" 18	I. T. Gore	Geo. H. Hand	Fourth quarters salary as Auditor
24	60,00	" 10	" 18	H. J. Brisbine	Chas. Van Epps	Enrolling Clerk of Council
25	60.00	" 14	" 18	"	"	" " House Representatives
26	12 50	" 18	April 7	M. K. Armstrong	M. K. Armstrong	Fourth quarters salary as Treasurer
27	17 25	Feb. 10	" 13	Bramble & Miner	Bramble & Miner	Express charges on books
28	19.50	March 30	" 9	G. W. Kingsbury	G. W. Kingsbury	Blanks for Supt. Public Instruction
29	12.50	" 31	" 9	I. T. Gore	Geo. H. Hand	First qnarters salary as Auditor for '68
30	9.70	April 8	" 9	Bramble & Miner	Bramble & Miner	Express charges on books
31	12.50	" 9	" 9	M. K. Armstrong	M. K. Armstrong	First quartets salary as Treasurer, '68
32	40.00	May 22	May 22	Melancthon Hoyt	H. J. Brisbine	Cataloguing Territorial Library
33	52.00	June 23	June 26	A. F. Hayward	W. W. Brookings	Enrolling Clerk of Council, '65
34	12.50	July 13	July 16	M. K. Armstrong	M. K. Armstrong	Second quarters salary as Treas'r, '68
35	12.50	" 15	" 16	I. T. Gore	Geo. H. Hand	Second quarters salary as Auditor, '68
36	30.00	" 20	" 20	Melancthon Hoyt	Jas. Hand	Care of Territorial Library
37	50.00	" 25	" 25	Jas. S. Foster	Jas. S. Foster	Supt. Pub. Instruction
38	5 05	" 29	Oct. 10	Thompson's Express	E. Miner	Express charges on books
39	12.50	Oct. 3	" 10	I. T Gore	Geo. H. Hand	Third quarters salary as Auditor
40	28 50		Nov. 10	G. W. Kingsbury	G. W. Kingsbury	Printing catalogues, Ter'l Library

Total Disbursements, $915 40

Balance in Treasury, $5 25

OUTSTANDING WARRANTS.

No. OF WAR'NT	AM'T	DATE OF ISSUE.	TO WHOM ISSUED	NATURE OF INDEBTEDNESS.
No 40	51.50		G. W. Kingsbury	Printing Catalogue Ter. Library
41	12.50	Oct 9	M. K. Armstrong	Third quarters salary as Treasurer
42	0.75	Dec. 5	J. L. Kelley	Charges on Law Book.
43	25.00	" 30	I. T. Gore	Office rent, fuel, lights, and stationery
44	25.00	" 30	M. K. Armstrong	" " " " " "
45	12.50	" 30	I. T. Gore	Fourth quarters salary as Auditor
46	12.50	" 30	M. K. Armstrong	" " " as Treasurer

ESTIMATES FOR THE YEAR 1869.

COUNTIES	ASS'M'T OF 1868	TER. TAX FOR 1869.
Yankton	$491,599.00	$ 491,59.9
Union	292,728.00	292,72·8
Clay	118,338.00	113,33.8
Bon Homme	47,183.00	47,18.3
	$949.845.00	$949.84.05

RECAPITULATION.

Total receipts for 1867 and '68	$920	65	
Total disbursements	915	40	
Balance in Treasury	$ 5	25	
Amount Outstanding Warrants	139	75	
Estimated Expenditures of 1869	600	00	
Territorial Tax levied for 1869	949	84	5
Estimated balance over expenditures of '69	210	09	5

Respectfully submitted,

M. K. ARMSTRONG,

Territorial Treasurer.

SECOND ANNUAL REPORT OF TERRITORIAL TREASURER.

To the Honorable Council and House of Representatives:

GENTLEMEN:—I have the honor to submit herewith my second annual report as Territorial Treasurer. I have delayed making the present annual report until the last day in the year 1868, in order to give time and opportunity to the new [and remote] counties to report to this office, the better to give a full exhibit of the Territorial finances at the close of the year, the date of my turning over the Territorial papers to my successor in office.

My last annual report was submitted Dec. 3, 1867, the time specified by law, and I was not, therefore, able in that report, to present to the legislature the true condition of the Territorial finances of that year. I have therefore incorporated my incomplete report of last year into and [made] it part of my annual report of the present year, thus presenting to you at this time a full statement of the condition of the Territorial finances for the years 1867 and 1868.

I desire again to call the attention of the legislature to the propriety of making some provision by special act, for the liquidation of the six hundred and sixty dollars of outstanding warrants issued before the year 1865. These warrants were issued to J. R. Hanson, W. R. Goodfellow, James Tufts and Daniel Gifford, for services as clerks in the legislature in 1862 and 1863.

The old warrants might be called in and replaced by a new issue on a par with other warrants payable out of the tax of 1869, or they might be made interest bearing.

I would also join with the auditor in recommending a change in the time for submitting the annual reports of Territorial offices, to a day near the close of each year.

I desire also to call the attention of the legislature to the "Indian War Warrants" of 1862, amounting to $19,325.05.

It is believed that if the legislature would memorialize Congress on this matter, an appropriation could be procured from the federal government to reimburse the Territory for that necessary and timely supply of men, material and substance in defending the frontier against the devastations of the hostile Sioux.

I would also respectfully recommend that the legislature authorize by special act, the expenditure of two hundred dollars annually for the rent of suitable rooms for preserving the Territorial library, and the Territorial arms and ammunition, for which no provision has yet been made.

Mr. Brookings moved one hundred copies auditor's report be printed for the use of the council.

Which motion prevailed,

The committee to whom was referred the matter of drafting rules for the government of the council, reported the following, which were adopted:

RULES OF THE COUNCIL.

After calling the council to order, the following order shall govern:

1. Prayer by the chaplain.
2. Calling the roll.
3. Reading of journal.
4. Petitions or memorials to be offered.
5. Notice of bills.
6. Introduction of bills.
7. Resolutions and motions.
8. Reports of committees.
9. Communications on the president's table.
10. Reports in possession of the council which offer grounds for a bill.
11. Bills or other matter before the council, and unfinished the preceding day.
12. The general file of bills, and other papers agreeable to their introduction.

RULES.

1. The president shall take the chair at eleven o'clock, A. M., or the hour to which the council was adjourned, and call the house to order; and if a quorum be present, he shall direct the journal of the preceding day to be read, and mistakes, or omissions, if any, corrected. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the council.

2. One-fourth of the members may have a call of the council, and absent members be sent for.

3. Questions shall be put in this form, viz: "As many as are of the opinion that (as the case may be) say 'aye,'" And after the affirmative voice is expressed, "as many as are of the contrary opinion, say 'no.'" If the president doubt, or a division be called for, the council shall divide—those in the affirmative of the question shall rise from their seats, and afterwards those in the negative.

4. All motions (except to adjourn, postpone or commit) shall be reduced to writing, if required by any member of the council. Any motion may be withdrawn before it is amended by the council.

5. Every member present, when a question is put, shall vote unless he shall, for special cause, be excused by a vote of the council; but no member shall vote on any question in the event of which he is directly and personally interested, or in any case where he was not present when the question was put.

6. When a member is about to speak in debate, or deliver any matter to the council, he shall rise from his seat, and respectfully address himself to Mr. President, and shall confine himself to the question under debate, avoid personalities, and the imputation of improper motives.

7. When a question is under debate, no motion shall be received but—1, to adjourn; 2, to lie on the table; 3, to postpone to a day certain; 4, to commit or amend; 5, to postpone indefinitely; which several motions shall have precedence in the order in which they are named; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be allowed on the same day, and at the same stage of the bill or proposition.

8. A motion to adjourn, and to lay on the table, shall be decided without debate.

9. Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct, that on being taken away, a substantive proposition shall remain for the decision of the council. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendments nor a motion to strike out and insert.

10. Every bill shall be introduced on the report of a committee, or by motion for leave, or on giving at least one day's previous notice. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third readings on the same day without a suspension of this rule.

11. The first reading of a bill shall be for information, and if objections be made to it, the question shall be, "shall the bill be rejected?" If no objections be made, or the question to object be lost, the bill shall go to its second reading without further question.

12. Upon the second reading of a bill or resolution, the President shall state it is ready for commitment or engrossment, and if committed, then the question shall be, whether to Select or Standing Committee, or a Committee of the Whole. If to a Committee of the Whole, the Council shall determine on what day. But if the bill be ordered to be engrossed, the Council shall appoint the day when it shall be read the third time. No bill or resolution requiring the concurrence of both houses shall be committed or amended until it shall have been twice read.

13. When a question is lost on engrossing a bill for a third reading on a particular day, it shall not preclude a question to engross it for a third reading on a different day. On a third reading of a bill or resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

14. A bill or resolution may be committed at any time previous to its passage.

15. In filling blanks, the largest sum and the longest time shall be first put.

16. When a motion or question has been decided in the affirmative or negative, any member having voted with the majority, may move a reconsideration on the same or the following day; but when a motion to reconsider shall be laid on the table, a motion to reconsider can not again be made.

17. Before acting on Executive business, the Council Chamber shall be cleared, by direction of the President, of all persons except members, the Secretary and Sergeant-at-arms to be sworn.

18. No standing rule or order of the Council shall be rescinded or suspended, except by a vote of two-thirds of the members present.

19. The rules of parliamentary practice comprised in Barclay's Digest, shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with the standing rules or orders of the Council and the joint rules of the Council and House of Representatives.

20. When the ayes and noes shall be called for by two of the members present, each member called upon shall, unless for special reason he be excused by the Council, declare openly and without debate his assent or dissent to the question. In taking the ayes and noes and upon the call of the House, the names of the members shall be taken alphabetically.

21. On the passage of all bills and joint resolutions, the ayes and noes shall be taken.

22. All bills and joint resolutions, after the first reading, shall be printed, unless otherwise ordered by the Council.

23. On questions of sustaining the chair, when his decision is appealed to the Council, the President cannot vote.

24. A majority of all the members of the Council, voting for a resolution to remove the President, shall be sufficient to vacate the chair, and majority of the votes cast if a quorum be present, shall be sufficient to sustain an appeal from his decision.

25. There shall be appointed by the chair the following standing committees:

Judiciary,	Counties,
Education,	Territorial Affairs,
Military Affairs,	Agriculture,
Incorporations,	Expenditures,
Finance,	Federal Relations,
Elections,	Public Printing,
Public Buildings,	Engrossed Bills,
Mines and Minerals,	Highways, Bridges and Ferries,
Indian Affairs,	Enrolled Bills,
Manufactures,	Internal Improvements,
Public Lands,	Railroads.

26. The chair cannot change a committee after being once formed without a resolution to that effect by the Council.

Mr. Brookings moved that the president be a committee of one to circulate a subscription in behalf of the National Lincoln Monument Association.

Which motion prevailed.

On motion of Mr. Brookings,

Council bill No. 23, A bill to incorporate the city of Yankton,

Was then taken up, and

Read first and second time, and

Laid on the table until to-morrow.

Council bill No. 22, A bill to regulate chattle mortgages and bills of sale of personal property,

Was then taken up, and

Read first and second time, and

Referred to judiciary committee.

Council bill No. 28, A bill to regulate the fees of certain officers,

Was then taken up, and

Read first and second time, and

Referred to committee on finance.

House file No. 23, A bill for an act defining the action of mandamus, and prescribing the practice thereof,

Was then taken up, and

Read first and second time, and
Referred to judiciary committee.

House file No. 6, An act concerning lost goods and estrays,
Was then taken up, and
On motion of Mr. Brookings,
Was made special order of Wednesday, Dec. 30, 1868.
On motion of Mr. Austin,
Council took a recess of fifteen minutes.
Council called to order.

Mr. Hampton, from committee on Territorial affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Territorial Affairs have had under consideration house file No. 27, A memorial to Congress, asking for the creation of an additional land district on the Missouri river, in Dakota Territory, beg leave to report it back to the council with the following amendments, and recommend it do pass.

A. H. HAMPTON,
Chairman.

Strike out the words "twenty-first degree of longitude west from Washington," and insert on the line between, range 61 and 62, "west of the 5th p. m."

On motion of Mr. Kellogg,

The amendments were adopted.

House file No. 27, was then taken up, and read a third time as amended.

The question now being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Wood and Mr. President.

Not voting, Mr. Rossteuscher.

So the bill passed, and
Its title was agreed to.

House file No. 9, A bill for an act to provide common schools for the Territory of Dakota (substitute.)

Was then taken up,

Mr. Austin in the chair.

Mr. Wallace offered the following amendment:

"And if a vacancy shall occur in said office of superintendent by death, resignation, or otherwise, it shall be the duty of the Governor to appoint some suitable person to fill such vacancy."

Which amendment was adopted.

The question now being on the passage of the bill, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

House file No. 7, A bill for an act repealing chapter 47 of the general laws of Dakota, 1862 & 3.

Was then taken up, and

Read a third time, and

On motion of Mr. Brookings,

Laid on the table until to-morrow.

House file No. 6, An act concerning lost goods and estrays,

Was then called up, and

On motion of Mr. Brookings,

Was made special order for Saturday, at 11 o'clock.

Mr. Rossteuscher moved to reconsider the vote by which house file No. 28, "A bill for an act to confer upon woman the elective franchise, and the eligibility to office." Was lost.

Mr. Kellogg moved to lay the motion to reconsider on the table.

The ayes and noes being called for and ordered, the vote stood:

Ayes 6; noes 7, as follows:

Those voting in the affirmative,

Messrs. Benedict, Brookings, Kellogg, Rosseuscher, Wood and Mr. President.

Those voting in the negative, were

Messrs. Austin, Carpenter, Fraley, Green, Hampton, Lewis and McIntyre.

So the motion to lay on the table was lost.

The question now being on the motion to reconsider, and a vote being taken,

The motion prevailed.

Mr. Kellogg moved to re-commit the bill (house file No. 28) to a select committee of five.

Which motion prevailed.

The chair appointed as such committee:

Messrs. Kellogg, Austin, Lewis, McIntyre and Brookings.

Mr. Kellogg moved that the council adjourn to meet on Saturday, January 2d, 1869.

Which motion prevailed.

On motion of Mr. Kellogg,

The council adjourned.

Approved:

N. J. WALLACE,
President.

Attest:

A. F. SHAW,
Secretary.

TWENTY-SEVENTH DAY.

COUNCIL CHAMBER,
Saturday, January 2d, 1869.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names:

Messrs. Benedict, Brookings, Carpenter, Fraley, Green Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

The reading of the journal laid over until Monday, January 4th.

INTRODUCTION OF BILLS.

Mr. Benedict introduced council bill No. 24, A bill to prevent certain male animals from running at large.

Read first and second time, and

Referred to select committee, consisting of

Messrs. Benedict, Carpenter, Green, Wood, Fraley and Lewis.

On motion of Mr. Brookings,

Council took up council bill No. 23, A bill to incorporate the city of Yankton.

Read a third time.

The question then being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 7; noes none, as follows;

Those voting in the affirmative, were

Messrs. Benedict, Brookings, Fraley, Green, Lewis, Wood and Mr. President.

None voting in the negative.

So the bill passed, and

Its title was agreed to.

House file No. 7, A bill for an act repealing chapter 47 of the general laws of Dakota 1862 & 3.

Was then taken up, and

Read a third time.

The question then being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 5; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Brookings, Carpenter, Fraley, Wood and Mr. President.

Those voting in the negative, were

Messrs. Kellogg, Lewis and McIntyre.
So the bill passed, and
Its title was agreed to.
Mr. Kellogg moved to reconsider.
Mr. Brookings moved to reconsider house file No. 27.
Which motion prevailed.
On motion of Mr. Brookings,
Council adjourned.

Approved:
N. J. WALLACE,
President.

Attest:
A. F. SHAW,
Secretary.

TWENTY-NINTH DAY.

COUNCIL CHAMBER,
Monday, January 4th, 1869.

Council met pursuant to adjournment, and was called to order by the

President in the chair.
Prayer by the chaplain.
Roll called.
Members all present.
On motion of Mr. Brookings,
Reading of journal dispensed with.
On motion of Mr. Hampton,
Mr. Brookings was excused from select committee on female suffrage, and Mr. Wood appointed to fill vacancy.

RESOLUTIONS AND MOTIONS.

Mr. Brookings submitted the following resolution:

Resolved, That a committee of three on the part of the council, be appointed by the chair, to act with a like committee

on the part of the house, to raise our revenue and fee laws, and report to committee of the house by bills or otherwise.

Which resolution was adopted.

The following members were appointed such committee on the part of the council.

Messrs. Rossteuscher, Austin and Lewis.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Monday, January 4th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house did, on the 2d inst., pass house file No. 38, entitled A bill for an act to prevent the obstruction or injury of highways and bridges, which bill is herewith transmitted and the concurrence of the council respectfully requested.

GEO. I. FOSTER,
Chief Clerk.

REPORTS OF COMMITTEES.

Mr. Carpenter, from committee on federal relations, submitted the following report:

MR PRESIDENT:—Your committee on federal relations to whom was referred house file No. 34, A memorial to Congress for an appropriation to construct a wagon road, from Fort Abercrombie, down the Red River of the North, have had the same under consideration and report it back recommending its passage.

A. CARPENTER,
Chairman.

Mr. Rossteuscher, from the finance committee, submitted following report:

MR. PRESIDENT:—Your committee on finance to whom was referred council bill No. 14, entitled "A bill for the relief of the poor," beg leave to report that they have had the same under consideration, and recommend that the bill do pass.

CHAS. F. ROSSTEUSCHER,
Chairman.

House file No. 6, An act concerning lost goods and estrays,
Was then taken up, and
Read a third time.

The question now being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

So the bill passed, and
Its title was agreed to.

On motion of Mr. McIntyre,
Council took a recess of 10 minutes.

Council called to order.

Mr. Kellogg asked the unanimous consent of the council, to make a report.

Leave being granted,

Mr. Kellogg, from select committee submitted the following report:

MR. PRESIDENT:—Your committee to whom was referred, house file No. 26, A bill to divide the township of Jefferson, and beg leave to report the bill back with the following amendments, and recommend that the bill do pass.

R. R. GREEN,
Chairman.

Amended as follows: After the word "Jefferson," in section 21, fourth line, insert "for the year 1969."

Section 1, amended as follows: In 17th line, after the word township, insert the following:

"And at the next general election there shall be elected in said township, one county commissioner; two justices of the peace; two constables and one assessor, who shall hold their respective offices for the term of two years; and there shall also be elected one board supervisor, who shall hold his office for the term of one year."

Council bill No. 14, A bill for the relief of the poor,

Was then taken up, and

Read a third time.

The question then being on the passage of the bill, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, McIntyre, Lewis, Rossteuscher and Mr. President.

So the bill passed, and

Its title was agreed to.

House file No. 38, A bill for an act to prevent the obstruction or injury of highways and bridges,

Was then taken up, and

Read first and second time, and

Referred to highways, bridges and ferries.

House file No. 26, A bill for an act to divide the township of Jefferson, in Union county,

Was then taken up, and

On motion of Mr. Brookings,

The amendments were adopted. The bill was then

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Wood and Mr. President.

Those voting in the negative, were

Mr. Rossteuscher.

So the bill passed, and

Its title was agreed to.

On motion of Mr. Brookings,

Council bill No. 18, "A bill in relation to county commissioners and county clerks," and council bill No. 28, "A bill to regulate the fees of certain officers," were

Referred to select committee on revenue.

Mr. Brookings moved to reconsider the vote by which house file No. 27, A memorial to Congress, asking for the creation of an additional land district on the Missouri river, in Dakota.

Which motion prevailed, and

The vote was reconsidered.

On motion of Mr. Brookings,

House file No. 27, was referred to the honorable member from Charles Mix county.

Mr. Kellogg witdrew the motion to reconsider the vote by which house file No. 7, A bill to repeal chapter 30 of the laws of 1862, was passed.

On motion of Mr. Brookings,

Council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:,

A. F. SHAW,

Secretary.

THIRTIETH DAY.

COUNCIL CHAMBER,
Tuesday, Jan. 5th, 1869.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

Journal of yesterday's proceedings read and approved.

On motion of Mr. Kellogg.

Judge J. P. Kidder and Captain Kelley were invited to a seat within the bar of the council.

REPORTS OF COMMITTEES.

Mr. Hampton, from committee on highways, bridges and ferries, submitted the following report:

MR. PRESIDENT:—Your committee on highways, bridges and ferries, have had under consideration house file No. 38, A bill to prevent obstructing highways and bridges, and report the same back with recommendation that it do pass.

A. H. HAMPTON,
Chairman.

Mr. Green, from committee on counties, submitted the following report:

MR. PRESIDENT:—Your committee on counties to whom was referred council bill No. 13, entitled A bill for an act to reorganize the judicial districts of this Territory, and fixing the time for holding courts in the same, report the same back and recommend its passage.

R. R. GREEN,
Chairman.

House file No. 34, A memorial to Congress for an appropriation to construct a wagon road, from Fort Abercrombie, down the Red River of the North,

Was then taken up, and

Read a third time, and

The question now being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

Mr. Benedict, by unanimous leave, introduced council bill No. 25, A blll concerning fences and fence viewers, pounds and impounding cattle,

Read first and second time, and

On motion of Mr. Kellogg,

Referred to committee on agriculture.

Council bill No. 13, A bill for an act to reorganize the judicial districts of this Territory, and fixing the time for holding the courts in the same,

Was then taken up, and

Read a third time.

The question now being on the passage of the bill, and it being put, "shall the bill pass?"

It was decided in the negative.

Ayes 6; noes 7, as follows:

Those who voted in the affirmative, were

Messrs. Brookings, Green, Kellogg, McIntyre, Rossteuscher and Mr. President.

Those who voted in the negative, were

Messrs. Austin, Benedict Carpenter, Fraley, Hampton, Lewis and Wood.

So the bill did not pass.

House file No. 38, A bill for an act to prevent the obstruction and injuring of highways and bridges,

Was then taken up, and

Read a third time, and

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley Green, Hampton, Kellogg, Lewis, McIntyre, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

On motion of Mr. Brookings,

Council took a recess of fifteen minutes.

Council called to order.

Mr. Rossteuscher, from committee on enrolled bills, asked leave to make a report.

Leave being granted,

The following report was submitted:

MR. PRESIDENT:—Your committee on enrolled bills beg

leave to report that they have examined council bill No. 19, entitled "A memorial to the Secretary of War, praying that Fort Dakota may be removed sixty miles further up the Big Sioux River;" also

Council bill No. 21, entitled "A memorial to Congress, praying for the extension of the Sioux City and Pacific Rairoad, to Yankton, Dakota Territory," and find them correctly enrolled.

CHAS. F. ROSSTEUSCHER.

Mr. Benedict, by unanimous leave, submitted the following report:

MR. PRESIDENT:—Your special committee to whom was referred council bill No. 24, have had the same under consideration, and report it back recommending that it do pass.

W. W. BENEDICT,
Chairman.

On motion of Mr. Brookings,

Council bill No. 24, A bill to prevent certain male animals from running at large,

Was then taken up, and

Read a third time.

Mr. Kellogg moved to recommit to a select committee of three.

Which motion was lost.

On motion of Mr. Brookings,

Council bill No. 24 was referred to committee on agriculture.

On motion of Mr. Kellogg,

Council took an indefinite recess.

Council called to order.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Tuesday, January 5th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house did, on the 4th instant, pass house file No. 42, entitled A bill for an act to vacate certain streets and alleys in "Witherspoon's," Yankton, D. T., which bill is herewith transmitted and the concurrence of the council respectfully requested therein.

I am also instructed to inform the council that the house has this day passed house file No. 39, entitled A bill for an act to amend an act entitled "An act to incorporate the city of Cheyenne," which bill is herewith transmitted and the concurrence of the council respectfully requested therein.

I am also instructed to inform the council that the house has this day passed council bill No 10, (house substitute,) entitled A bill for an act to establish a code of criminal proceedure for Dakota Territory, which bill is herewith returned and the concurrence of the council respectfully requested in said substitute.

I am also instructed to inform the council that the house has this day passed council bill No. 16, entitled A bill for an act to amend an act entitled "An act to establish the courts and define the jurisdiction of justices of the peace," approved Jan. 4, 1866, which bill is herewith returned.

I am also instructed to inform the council that the house has this day agreed to the following resolution:

Resolved, That a committee of three be appointed by the speaker, to act with a similar committee on the part of the council, to revise our revenue and fee laws and to report, by bill or otherwise, to one of the two houses.

Messrs. Bennett, Stutsman and Eves were named as such committee.

I am also instructed to inform the council that the house did on the 2d instant, agree to council amendments to house file No. 9, (substitute,) entitled A bill for an act to provide common schools for Dakota Territory.

GEO. I. FOSTER,
Chief Clerk.

Mr. Fraley offered the following motion:

MR. PRESIDENT:—I move that Messrs. Austin, Hampton and Secretary Shaw be excused for non-attendance on Saturday, January 2d, 1869.

Which motion prevailed.

On motion of Mr. McIntyre,

Council took an indefinite recess.

Council called to order.

On motion of Mr. Brookings,

House file No. 42, A bill for an act to vacate certain streets and alleys in "Witherspoon's," Yankton, D. T.,

Was then taken up, and

Read first and second time, and

On motion of Mr. Brookings,

Rules suspended, and

Read a third time.

The question now being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

Mr. Kellogg voting in the negative.

So the bill passed, and

Its title was agreed to.

House file No. 39, A bill for an act to amend an act entitled an act to incorporate the city of Cheyenne,

Was then taken up, and

Read first and second time, and

On motion of Mr. Brookings,

Laid on the table until to-morrow.

On motion of Mr. Brookings,

Council bill No. 10, A bill for an act to establish a code of criminal proceedure,

Was referred to judiciary committee with orders to report to-morrow.

On motion of Mr. Brookings,

The council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:

A. F. SHAW,

Secretary.

THIRTY-FIRST DAY.

COUNCIL CHAMBER,
Wednesday, Jan. 6th, 1869.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

Journal of yesterday's proceedings read and approved.

NOTICE OF BILLS.

Mr. Brookings gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to locate the Territorial penitentiary on Sec. 16, Township 101, Range 49 west, 5th p. m.

Also to introduce a memorial to Congress asking for a land grant for the Missouri & Minnesota Railroad.

INTRODUCTION OF BILLS.

Mr. Brookings introduced council bill No. 26, A memorial to Congress, asking for a land grant to aid in the construction of a railroad from Yankton to Columbus.

Mr. Wood introduced council bill No. 27, An act to define the boundaries of the different counties in the Territory of Dakota, and apportioning the representation therein.

On motion of Mr. Benedict,

The vote by which council bill No. 13, "A bill for an act to reorganize the judicial districts of this Territory, and fixing the time for holding the courts in the same, was killed.

Was reconsidered.

Ayes 7; noes 6, as follows:

Those voting in the affirmative, were

Messrs. Benedict, Brookings, Green, Kellogg, McIntyre, Rossteuscher and Mr. President.

Those voting in the negative, were

Messrs. Austin, Carpenter, Fraley, Hampton, Lewis and Wood.

So the vote was reconsidered.

Mr. Austin moved the bill be recommitted to committee on Territorial affairs.

Which motion was lost.

Mr. Rossteuscher moved the bill be referred to judiciary.

Which motion was lost.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 8; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Benedict, Brookings, Green, Kellogg, McIntyre, Rossteuscher, Wood and Mr. President.

Those voting in the negative, were

Messrs. Austin, Carpenter, Fraley, Hampton and Lewis.

So the bill passed, and

Its title was agreed to.

REPORTS OF COMMITTEES.

Mr. Brookings, from committee on judiciary, submitted the following report:

MR. PRESIDENT:—Your committee on the judiciary, to whom was referred council bill No. 22, ask leave to report the same back and recommend its indefinite postponement; also

Report back council bill No. 10, and recommend that the council concur in house amendments; also

House file No. 23, and recommend that it do pass.

W. W. BROOKINGS,
Chairman.

House file No. 39, A bill for an act to amend an act entitled an act to incorporate the city of Cheyenne,

Was then taken up, and

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

Council bill No. 26, A memorial to Congress asking a land grant to aid in the construction of a railroad from Yankton to Columbus,

Was then taken up, and

Read a first and second time, and

Laid on the table until to-morrow.

Council bill No. 27, An act to define the boundaries of the different counties in the Territory of Dakota, and apportioning the representation therein,

Was then taken up, and

Read first and second time.

Mr. Lewis moved the bill be referred to a committee of one from each county.

Mr. Kellogg moved to amend, by one from each district.

Mr. Fraley moved to lay the motion to amend on the table.

Which motion prevailed,

Mr. Brookings moved to lay all the motions on the table.

Which motion was lost.

On motion of Mr. Brookings,

Council bill No. 27 was referred to judiciary committee.

House file No. 23, An act defining the action of mandamus, and prescribing the practice therein,

Was then taken up, and

Read a third time.

The question now being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 9; noes none, as follows:

Those voting in the affirmative, were

Messrs. Benedict, Brookings, Fraley, Kellogg, Lewis, Mc. Intyre, Rossteuscher, Wood and Mr. President.

None voting in the negative.

So the bill passed, and

Its title was agreed to.

House substitute for council bill No. 10, A bill for an act to establish a code of criminal proceedure for Dakota Territory,

Was then taken up.

Read a third time, and

On motion of Mr. Brookingss

Substitute concurred in.

Council bill No. 22, A bill to regulate chattle mortgages and bills of sale of personal property,

Was then taken up, and

On motion of Mr. Brookings,

Indefinitely postponed.

Mr. Wood gave notice that on to-morrow he should move to reconsider the vote by which council bill No. 13, A bill for an act to reorganize the judicial districts of this Territory, and fixing the time for holding the courts in the same,

Was passed.

On motion of Mr. Kellogg,

Council took an indefinite recess.

Council called to order.

On motion of Mr. Hampton,

Council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:

A. F. SHAW,

Secretary.

THIRTY-SECOND DAY.

COUNCIL CHAMBER,
Thursday, January 7th, 1869.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

Journal of yesterday's proceeding read and approved.

NOTICE OF BILLS.

Mr. Brookings gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to pay certain Territorial warrants.

INTRODUCTION OF BILLS.

Mr. Brookings introduced council bill No. 29, A bill to relocate the penitentiary,

Read first and second time, and

Laid on the table until to-morrow.

REPORTS OF COMMITTEES.

Mr. Brookings, from judiciary committee, submitted the following report:

MR. PRESIDENT:—Your committe on the judiciary to whom was referred council bill No. 27, beg leave to report the same back without recommendation.

W. W. BROOKINGS,
Chairman.

Mr. Rossteuscher, from committee on enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled bills, beg leave to report that they have examined council bill No. 16, entitled "A bill for an act to amend an act entitled an act to establish the courts and define the jurisdiction of justices of the peace," and find the same correctly enrolled.

CHAS. F. ROSSTEUSCHER,
Chairman.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Thursday, January 7th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house did, on the 5th inst., concur in council amendment to house file No. 26, (substitute), entitled A bill for an act to divide the township of Jefferson, in Union county.

I am also instructed to inform the council that the house did on the 6th inst., pass house file No. 35, entitled A bill for an act to regulate the foreclosure of deeds of trust, mortgages and contracts for the sale of real estates, which bill is herewith transmitted and the concurrence of the council respectfully requested therein.

I am also instructed to inform the council that the house did on the 6th inst., pass council bill No. 20, entitled An act to relocate the Territorial road from Yankton, which bill is herewith returned.

I am also instructed to inform the council that the house did on the 6th inst., pass house file No. 43, entitled A bill for an act to promote immigration to the Territory of Dakota, which bill is herewith transmitted and the concurrence of the council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

House file No. 35, A bill for an act to regulate the foreclosure of deeds of trust, mortgages and contracts for the sale of real estate:

Was then taken up, and
Read a first and second time, and
Referred to committee on judiciary.

House file No. 43, A bill for an act to promote immigration to the Territory of Dakota,

Was then taken up, and

Referred to committee on Territorial affairs.

Council bill No. 26, A memorial to Congress, asking for a land grant to aid in the construction of a railroad, from Yankton to Columbus,

Was then taken up, and

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

The following communication from the house, was then read:

HOUSE OF REPRESENTATIVES,
Thursday, January 7th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house has this day passed house file No. 36, (substitute) entitled An act authorizing the county commissioners of each county in this Territory to levy a tax for bridges, which bill is herewith transmitted and the concurrence of the council respectfully requested therein.

I am also instructed to inform the council that the house has this day passed council bill No. 23, entitled A bill to incorporate thecity of Yankton, Dakota Territory, which bill is herewith returned.

GEO. I. FOSTER,
Chief Clerk.

Mr. Brookings moved that the council consider council bill No. 27, as in committee of the whole.

Which motion prevailed.

Committee arose, and

On motion of Mr. Brookings,

All amendments made while the council was in committee of the whole, were adopted, and the bill was

Referred to committee on judiciary.

Mr. Wood moved to reconsider the vote by which council bill No. 13 was passed yesterday.

Mr. Brookings moved to lay the motion to reconsider on the table.

Which motion prevailed.

On motion of Mr. Austin,

Council adjourned.

Approved:
N. J. WALLACE,
President.

Attest:
A. F. SHAW,
Secretary.

THIRTY-THIRD DAY.

COUNCIL CHAMBER,
Friday, Jan. 8th, 1869.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

On motion of Mr. Brookings,

Reading of yesterday's journal dispensed with.

On motion of Mr. Brookings,

The order of business was suspended, and

Council bill No. 27, A bill for an act defining the boundaries of the different counties in this Territory, and apportioning

the representation therein, was reported back by the committee on judiciary, as follows:

MR. PRESIDENT:—Your committee on the judiciary, to whom council bill No. 27 was referred, beg leave to report the same back and recommend its passage.

W. W. BROOKINGS,
Chairman.

Council bill No. 27,
Was then taken up, and
Read a third time.
Mr. Brookings moved the previous question.
The previous question now being ordered, and
The question now being on the passage of the bill, and it being put, "shall the bill pass?"
It was decided in the affirmative.
Ayes 8; noes 5, as follows:
Those voting in the affirmative, were
Messrs. Benedict, Brookings, Green, Kellogg, McIntyre, Rossteuscher, Wood and Mr. President.
Those voting in the negative, were
Messrs. Austin, Carpenter, Fraley, Hampton and Lewis.
So the bill passed, and
Its title was agreed to.

Ordered, That the secretary be instructed to transmit the bill to the house and request their concurrence therein.

NOTICE OF BILLS.

Mr. Wood gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill prohibiting the sale of intoxicating liquors, within ten miles of any Indian reservation in this Territory.

Mr. Brookings, by unanimous leave, submitted the following report of Carl C. P. Meyer, and asked that it lay on the table:

To the Stockholders and Directors of the Yankton & Columbus Railroad Company:

GENTLEMEN:—Having been selected to make a preliminary survey of a route for the proposed railroad from Yankton, Dakota Territory, to Columbus, Nebraska, I have the honor to

submit this brief and somewhat imperfect report of said survey, which will be more readily understood by reference to the accompanying map and diagram.

Columbus, in Nebraska, through which the great U. P. R. R. now runs, is situated about half a mile from the north bank of the Loup Fork, a tributary of the Platte, and one or two miles above its confluence with that river, and is distant from Yankton, D. T., 99 miles, in an almost due southerly direction, while the distance as surveyed by me, and indicated on the accompanying map, as the proposed railway is 107¾ miles.

Probably a somewhat shorter route, equally feasible, might be found,—but owing to the extreme inclemency of the weather at the time the survey was necessarily made, it was almost impossible to make such extensive examinations of the country adjacent to the route selected as would be desirable.

Making a point on the Missouri river, in Nebraska, opposite Yankton, Dakota Territory, as the initial point of survey, I commenced by running the line in a southerly direction, across the Missouri bottom, 3½ miles; thence up a very gradual raise till we struck the head of a branch of Antelope creek, 6 miles beyond,—the entire country traversed being rich, fertile lands, much of which are already occupied by actual settlers, and under a good state of cultivation.

From Antelope to Bow creek, a distance of 6¼ miles, is a divide of rolling lands, the greatest elevation of which does not however exceed 100 feet. The Bow, at this point, is only a small stream, being but a branch of the main river bearing that name, and has a narrow though rich and fertile vale.

From this point on Bow creek to where we crossed the east branch of the North Fork of the Elk Horn, 13⅓ miles, we went over a series of rolling hills, which constitutes the divide between these two streams,—but in no place did we attain an altitude of more than from 100 to 200 feet.

Passing down the beautiful valley of the North Fork of the Elk Horn to its confluence with the main river, a distance of 36¾ miles, we find a very gentle descent,—so gradual and uniform as to be almost imperceptible.

This valley, which is being rapidly settled up, is about 3 miles in width, and is one of the most delightful, as well as fer-

tile that can anywhere be found. We were told by some of the residents (who are mostly German) that 25,000 bushels of wheat, and other crops in proportion, were raised in this valley the past year.

Many fine mill-sites are to be found on the North Fork of the Elk Horn, which must ultimately prove of incalculable value to that rich though yet only partially developed section of country.

The Elk Horn is only 168 feet wide—is easily bridged, and offers no obstruction to the construction of a road.

Over the route we passed we found the valley of the Elk Horn 9 miles in width, with a gentle and uniform raise as we left that river; and from this value to Union creek undulating prairies. This latter named creek is a small stream of pure water, doubtless fed by springs.

Stretching from the narrow valley of Union creek to Shell creek, 15 miles, is a beautiful plateau, the elevation of which, at any given point does not exceed 100 feet. The valleys of Union and Shell creeks are extremely rich and fertile,—and already contain quite a population of hardy pioneers, who are mostly engaged in agricultural pursuits. There are many farms on these streams of over 100 acres each.

Shell creek is distant from Columbus only 7 miles, and the intermediate country is rolling prairie.

The whole route from Yankton to Columbus is an entirely feasible one over which to construct a railroad. The necessary grades are few and easy, and no tunnelling, extensive excavations or filling up will be requisite. A greater part of the route lies along the valleys of rivers, and will require little or no grading whatever.

The whole road can be built at a very moderate expense, as, in addition to the facts just given, much of the material for the construction of the road can be procured along the line of the proposed route.

It would be almost superfluous to add that the road when constructed can not fail to be highly remunerative, as, in addition to its location and importance in a commercial point of view, it would tap the rich valleys along almost its entire

course, which are yet destined to be the great granaries of Nebraska and the West.

Columbus, the southern terminus of the proposed road, formerly a little trading town on the great overland route to California, alive to the benefits which must accrue to itself and the whole country by the construction of this road, through the enterprise of its active business men, now joins in seeking to connect itself by this road to Yankton, on the Missouri river, where it is confidently expected will ere long be established the terminus, on the Missouri river, of a road from St. Paul, Minnesota, thus forming one continuous route from the latter place, through the capital of Dakota, to Columbus, Nebraska.

In conclusion, I only regret that the extreme cold weather of December should have precluded me from examining the country in Nebraska, contiguous to the proposed line, more thoroughly, with the view of becoming more familiar with its geography and topography.

I have the honor to be,

Very Respectfully,

CARL C. P. MEYER.

Yankton, D. T., Jan. 8, 1869.

On motion of Mr. Brookings,

Fifty copies of report ordered printed for use of members of the council.

INTRODUCTION OF BILLS.

Mr. Lewis introduced council bill No. 30, A memorial to Congress asking for the removal of the Santee Sioux Indians, to the new Indian reserve.

REPORTS OF COMMITTEES.

Mr. Rossteuscher, from committee on enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled bills have examined council bill No 10, entitled "An act to establish a code of criminal proceedure for Dakota Territory;" also

Council bill No. 20, entitled "An act to relocate the Territorial road from Yankton to the James River Bridge;" also

Council bill No. 23, entitled "An act to incorporate the city of Yankton," and beg leave to report that your committee find them correctly enrolled.

CHAS. F. ROSSTEUSCHER.
Chairman.

Mr. Wood, from select committee, to whom was referred house file No. 27, submitted the following report:

MR. PRESIDENT:—Your committee to whom was referred house file No. 27, entitled A memorial to Congress, asking for the creation of an additional land district on the Missouri river, in the Territory of Dakota, beg leave to report the same back and recommend its passage.

B. E. WOOD.

Mr. McIntyre, from committee on conference, submitted the following report:

MR. PRESIDENT:—Your committee of conference appointed to act in conjunction with a like committee on the part of the house, have had house file No. 17 under consideration, "A memorial to Congress, asking for an appropriation to codify the laws of this Territory," and have agreed to concur in the council amendment.

C. H. McINTYRE,
Chairman.

Mr. McIntyre, from committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture to whom was referred council bill No. 24, A bill to prevent certain male animals from running at large in this Territory, have had the same under consideration and would report the following substitute bill, recommending that it do pass.

C. H. McINTYRE,
Chairman.

Mr. Brookings, from judiciary committee, submitted the following report:

MR PRESIDENT:—Your committee on the judiciary, to whom house file No. 35 was referred, beg leave to report the same back and recommend its indefinite postponement.

W. W. BROOKINGS,
Chairman.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Friday, January 8th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house did, on the 7th inst., pass council bill No. 26, entitled A memorial to Congress, asking a land grant to aid in the construction of a railroad from Yankton to Columbus, which bill is herewith returned.

GEO. I. FOSTER,
Chief Clerk.

Council bill No. 29, A bill to relocate the penitentiary,

Was then taken up, and

Read a third time.

The question now being upon its passage, and it being put, "shall the bill pass?"

It was decided in the negative.

Ayes 5; noes 7, as follows:

Those who voted in the affirmative, were

Messrs. Benedict, Brookings, Green, McIntyre and Mr. President.

Those who voted in the negative, were

Messrs. Austin, Carpenter, Fraley, Hampton, Kellogg, Lewis and Wood.

So the bill did not pass.

Mr. Kellogg gave notice that on to-morrow he would move to reconsider the vote by which council bill No. 29 was lost.

House file No. 36, (substitute,) An act authorizing the county commissioners of each county in this Territory to levy a tax for bridges,

Was then taken up, and

Read first and second time, and

Referred to highways, bridges and ferries.

Council bill No. 30, A memorial to Congress, asking for the removal of the Santee Sioux Indians, to the new Indian reserve,

Was then taken up, and

Read a first and second time, and

Referred to committee on Indian affairs.

Council bill No. 24, (substitute,) A bill to prevent certain male animals from running at large,

Was then taken up, and

On motion of Mr. Brookings,

Placed on the calendar for to-day.

House file No. 27, A memorial to Congress, asking for the creation of an additional land district on the Missouri river, in Dakota Territory,

Was then taken up, and

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

House file No. 35, A bill for an act to regulate the foreclosure of deeds of trust, mortgages and contracts for the sale of real estate,

Was then taken up, and

On motion of Mr. Brookings,

Indefinitely postponed.

House file No. 14, A bill for an act repealing the charter of the Dakota & Northwestern Railroad Company,

Was then taken up.

Mr. Benedict moved the bill be made the special order of to-morrow at 11 o'clock.

Which motion did not prevail.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 7; noes 6, as follows:

Those voting in the affirmative, were

Messrs. Benedict, Brookings, Green, McIntyre, Rossteuscher, Wood and Mr. President.

Those voting in the negative, were

Messrs. Austin, Carpenter, Fraley, Hampton, Kellogg and Lewis.

So the bill passed.

The question now being on agreeing to its title.

Mr. Brookings offered the following amendment:

Amend the title of the bill by adding the following words "and Missouri river and Niobrara Valley Railroad Company."

Which amendment was adopted, and

The title as amended was agreed to.

Mr. Benedict called up council bill No. 24, A bill to prevent certain male animals from running at large, (substitute.)

Mr. Kellogg offered the following amendment:

Amend as follows: "that nothing in this act shall be so construed to apply to Union county."

Which amendment was adopted.

Bill ordered engrossed and to be reported back to-morrow.

Mr. Kellogg moved the council do now adjourn.

Which motion did not prevail.

Mr. Brookings moved the council do now adjourn.

Which motion did not prevail.

Mr. Kellogg moved that the council take an indefinite recess.

Mr. Brookings moved to lay the motion on the table.

Which motion did not prevail.

Mr. Austin moved the council do now adjourn.

Which motion did not prevail.

On motion of Mr. McIntyre,

Council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:

A. F. SHAW,

Secretary.

THIRTY-FOURTH DAY.

COUNCIL CHAMBER,
Saturday, Jan. 9th, 1869.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

On motion of Mr. Brookings,

Reading of the journal of yesterday's proceedings, was postponed until 11½ o'clock a. m.

NOTICE OF BILLS.

Mr. Benedict gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to amend chapter 37, session laws 1867 & 8.

Mr. McIntyre gave notice that on Monday, or some subsequent day of the session, he would ask leave to introduce a bill concerning a herd law in Lincoln county,

INTRODUCTION OF BILLS.

Mr. Brookings introduced council bill No. 31, A memorial to Congress, praying for a land grant to aid in the construction of Minnesota & Missouri Railroad.

Read first and second time, and

On motion of Mr. Brookings,

The rules were suspended, and bill

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

Mr. Hampton by unanimous leave, introduced council bill No. 32, A bill for an act to protect the citizens of Dakota, and elevate the standing of the medical profession.

Read first and second time, and

On motion of Mr. Brookings,

Laid on the table, and

Ordered to be printed.

Mr. Wood introduced council bill No. 33, A bill for an act to prevent the sale of spirituous liquors in certain localities.

Read a first and second time, and

Laid on the table, and

Ordered printed.

Mr. Rossteuscher, from committee on enrolled bills, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills, beg leave to report that they did on the 8th instant, at 12 o'clock m., transmit to His Excellency, the Governor, for his approval, the following bills, to-wit:

Council bills No. 16, 20 and 23; also

MR. PRESIDENT:—Your committee on enrolled bills, beg leave to report that they have examined council bill No. 26, entitled "A memorial to the Congress of the United States, praying for a grant of land, to aid in the construction of a railroad from Yankton, Dakota Territory, to Columbus, in the State of Nebraska," and find the same correctly enrolled; also

MR. PRESIDENT:—Your committee on enrolled bills, beg leave to report that they have examined council bill No. 24, entitled "A bill for an act to prohibit certain male animals from running at large," and find the same correctly engrossed; also

MR. PRESIDENT:—Your select committee to whom was re-

ferred council bill No. 18, entitled "A bill for an act relative to county commissioners and county clerks," beg leave to report that they have had the same under consideration, and have agreed to the following amendments, recommending that the same be adopted and the bill do pass:

Page 1, add to section 1, *Provided however*, That in counties which are now, or may hereafter be divided into townships, there shall be one commissioner elected in each township.

Page 1, add to section 3, *Provided however*, That in counties which are now or may hereafter be divided into townships, the commissioners shall hold their office for the term of two years, and until their successors are elected and qualified.

Page 2, section 7, strike out the first line and insert in lieu thereof, "When the commissioners of the board are equally divided on any question."

Page 2 and 3, strike out the whole of section 10.

Page 3, section 13, first line, insert after the words "relating to" the words "bridges and."

Page 4, section 16, in line 4, strike out the word "oldest" and insert in lieu thereof "chairman of board of."

Amend by changing the numbers of sections to correspond.

CHAS. F. ROSSTEUSCHER,
Chairman.

MR. PRESIDENT:—Your joint committee to whom was referred council bill No. 28, entitled A bill to regulate the fees of certain offices, beg leave to report that they have agreed on the accompanying amendments and recommend that the bill be so amended and do pass:

Page 2, line 2, strike out "50 cents" and insert in lieu thereof "one dollar."

Line 7, strike out "75 cents" and insert "one dollar."

Line 15, after the word "dollar," strike out "50 cents."

Page 3, line 16, strike out "75 cents" and insert in lieu thereof "one dollar."

Line 44, strike out "50 cents" and insert in lieu thereof "one dollar."

Line 47, strike out "50" and insert "75."

Line 48, strike out "50 cents" and insert in lieu thereof "one dollar and 50 cents."

Page 6, line 30, strike out the words "one dollar and 50 cents" and insert in lieu thereof "two dollars."

Page 6, line 1, strike out the word "ten" and insert in lieu thereof "five."

Page 7, insert on top of page "judge of probate." Page 7 strike out all of line 20.

Page 9, under the head of justice of the peace, in line 14, strike out "one dollar" and insert in lieu thereof "50 cents."

Page 10, in line 1, after the word "instrument" insert "and indexing."

The same line strike out the word "two" and insert "four." Same line, strike out the words "75 cents" and insert in lieu thereof "one dollar." Strike out "2," line 2, and insert in lieu thereof "for each additional folio, ten cents."

Insert "in as," line 8, "issuing marriage licenses and administering oaths when necessary, therein, one dollar and 25 cents."

Page 10, section 15, line 2, strike out the word "three" and insert in lieu thereof "two."

Page 11, section 16, strike out "first and second lines" and insert in lieu thereof "five dollars per day actually employed and mileage."

Line 3, strike out "one dollar," and insert in lieu thereof "25 cents."

Section 17, line 5, strike out the words "under one hundred words."

Page 12, section 19, line 5, strike out the word "two" and insert in lieu thereof "one and a half."

Section 20, line 2, strike out the word "ten" and insert in lieu thereof the word "five."

Section 20, line 3, strike out the word "four" and insert in lieu thereof the word "two."

Page 12, line 4, strike out the word "two" and insert in lieu thereof the word "one."

Page 13, section 23, line 1, strike out the words "75 cents" and insert in lieu thereof "one dollar and 50 cents."

Line 2, strike out the words "50 cents" and insert in lieu thereof "$1.50."

Page 14, insert as section 36, "all acts and parts of acts in conflict with this act, are hereby repealed."

Strike out on last line the figure 36, and insert 37.

CHAS. F. ROSSTEUSCHER,
Chairman.

On motion of Mr. Brookings,

Amendments to council bill No. 28, were adopted.

On motion of Mr. Rossteuscher,

Council bill No. 28, was considered engrossed, and

Read a third time.

The question then being on the passage of the bill, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes 1, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

Mr. Kellogg voting in the negative.

So the bill passed, and

Its title was agreed to.

The following communication from the Governor was then read:

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 8, 1869.

Hon. N. J. Wallace, President of the Council:

SIR.—I have the honor to transmit herewith, council bill No. 16, entitled "An act to amend an act entitled an act to establish the courts, and define the jurisdiction of justices of the peace," approved January 4, 1866.

Also, council bill No. 20, entitled "An act to relocate a Territorial road from Yankton, to the James river bridge."

Also, council bill No. 23, entitled "An act to incorporate the city of Yankton, Dakota Territory." Which I have approved and signed.

I am, Very Respectfully,
Your Ob'dt. Servant,
A. J. FAULK,
Governor.

Council bill No. 24, A bill for an act to prohibit certain male animals from running at large.

Was then taken up, and

Read a third time.

The question now being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 9; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, McIntyre, Wood and Mr. President.

Those voting in the negative, were

Messrs. Hampton, Kellogg and Lewis.

So the bill passed, and

Its title was agreed to.

Council bill No. 18, A bill relative to county commissioners and county clerks.

Was then taken up, and

On motion of Mr. Brookings,

The amendments reported by the committee were adopted.

Mr. Kellogg moved the bill lay on the table until to-morrow.

On motion of Mr. Brookings,

The bill was considered engrossed, and put upon its passage.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Hampton, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

Mr. Kellogg voting in the negative.

So the bill passed, and

Its title was agreed to.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Saturday, January 9th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house did, on the 8th instant, pass the following house files, to-wit:

House file No. 44, entitled A bill for an act supplementary and amendatory to an act, to establish a fence law.

House file No. 45, entitled A bill for an act to establish a Territorial library and cabinet.

House file No. 46, entitled A bill for an act to vacate a portion of the alley running through block No. 16, in "Witherspooon's" Yanton, D. T.

House file No. 48, (substitute) entitled A bill for an act to prevent the importation of Texas or Cherokee cattle, into the Territory of Dakota; also

House file No. 50, entitled A memorial to Congress, asking for the survey of the vacated portion of the Fort Randall military reserve. Which bills are herewith transmitted and the concurrence of the council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

House file No. 44, A bill for an act supplementary and amendatory to an act to establish a fence law,

Was then taken up, and

Read first and second time, and

Referred to committee on agriculture.

House file No. 45, A bill for an act to establish a Territorial library and cabinet,

Was then taken up, and

Read first and second time, and

On motion of Mr. Brookings,

Referred to committee on Territorial affairs.

House file No. 48, A bill for an act to prevent the importation of Texas or Cherokee cattle into the Territory of Dakota, and for other purposes,

Was then taken up, and

Read first and second time, and

On motion of Mr. Brookings,

Referred to committee on education.

House file No. 46, A bill for an act to vacate a portion of the alley running through "Witherspoon's," Yankton, D. T.,

Was then taken up, and

Read first and second time, and
On motion of Mr. Brookings,
Referred to committee on judiciary.

House file No. 50, A memorial to Congress, asking for the survey of the vacated portion of the Fort Randall military reserve,

Was then taken up, and
Read a first and second time, and
On motion of Mr. Brookings,
The rules were suspended and bill
Read a third time.

The question now being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Wood and Mr. President.

So the bill passed, and
Its title was agreed to.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Saturday, Jan. 9th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house has this day passed house file No. 52, entitled A bill for an act to amend section 16, of chapter 19, of the session laws of 1867–8; also

House file No. 53, entitled A bill for an act to provide for the service of process in counties where no district courts are held, and for other purposes, which bills are herewith transmitted, and the concurrence of the council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

Mr. McIntyre moved that the council take a recess of ten minutes.

Mr. Austin moved to amend the motion by adjourn.

Which motion was lost.

The question now referred to the motion to take a recess.

Which motion prevailed.

Council called to order.

House file No. 52, A bill for an act to amend section 16, of chapter XIX, of the session laws of 1867–8,

Was then taken up, and

Read first and second time, and

On motion of Mr. Rossteuscher,

The bill was indefinitely postponed.

Mr. Brookings gave notice that he would ask leave to have the vote reconsidered.

House file No. 53, A bill for an act to provide for the service of process in counties where no district courts are held, and for other purposes,

Was then taken up, and

Read a first and second time, and

On motion of Mr. Brookings,

Referred to judiciary committee.

Mr. Kellogg submitted the following resolution:

Resolved, That the chairman of the judiciary committee be requested to transfer council bill No. 6, to the chairman of the committee on education, with instructions to consider the same and report to the council.

GEO. W. KELLOGG.

Which resolution prevailed.

Mr. Kellogg gave notice that he should move to reconsider council bill No. 29, A bill to relocate the penitentiary.

On motion of Mr. Brookings,

Fifty copies of the memorial relative to Minnesota & Missouri Railroad were ordered printed for the use of the members of the council.

On motion of Mr. Carpenter,

The council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:

A. F. SHAW,

Secretary.

THIRTY-SIXTH DAY.

COUNCIL CHAMBER,
Monday, January 11th, 1869.

Council met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

Journal of yesterday's proceedings read and approved.

NOTICE OF BILLS.

Mr. Brookings gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to repeal all obslete and repealed laws by implication.

INTODUCTION OF BILLS.

Mr. Benedict introduced council bill No. 34, A bill relating to town-sites.

Mr. McIntyre introduced council bill No. 35, A bill for an act to prohibit certain animals from running at large in certain seasons of the year, in Lincoln county.

Mr. Brookings introduced council bill No. 36, A bill to provide for the payment of certain Territorial warrants.

Mr. Rossteuscher, from joint committee, submitted the following report:

MR. PRESIDENT:—Your joint committee appointed to examine the revenue laws of this Territory, with instructions to report by bill or otherwise, ask leave to report that they have agreed on a bill, which is (hereby) introduced for the consider-

ation of the council, your committee recommending that they do pass.

Joint Committee.

CHAS. F. ROSSTEUSCHER,
Ch'n on the part of Council.

G. P. BENNETT,
Ch'n on the part of House.

Council bill No. 37, A bill concerning revenue, was then introduced by Mr. Rossteuscher.

Council bill No. 34, A bill relating to town-sites,
Was then taken up, and
Read first and second time, and
On motion of Mr. Brookings,
The rules were suspended, and the bill
Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Green, Hampton, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

Mr. Kellogg voting in the negative.

So the bill passed, and
Its title was agreed to.

Council bill No. 36, A bill to provide for the payment of certain Territorial warrants.

Was then taken up, and
Read a first and second time, and
On motion of Mr. Rossteuscher,
Laid on the table until to-morrow.

Council bill No 35, A bill for an act to prohibit certain animals from running at large, in certain seasons of the year, in Lincoln county, Dakota Territory.

Was then taken up, and

Read first and second time, and
On motion of Mr. Brookings,
The rules were suspended, and bill
Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

So the bill passed, and
Its title was agreed to.

Mr. Kellogg gave notice that on to-morrow, he should move to reconsider the vote by which the bill was passed.

Council bill No. 27, An act concerning revenue,
Was then taken up, and
Read first and second time, and
On motion of Mr. Rossteuscher,
Rules suspended, and bill
Read a third time.

Mr. Brookings moved that sections Nos. 86, 87, and 88, be so amended as to apply only to the city of Yankton, Territory of Dakota.

Which motion prevailed.

Mr. Carpenter moved that all improvements on homesteads and pre-emption claims, under two hundred dollars in value, be exempt from taxation.

Which motion did not prevail.

On motion of Mr. Brookings,
The bill was considered engrossed, and bill
Read a third time.

The question now being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

Those voting in the negative, were

Messrs. Hampton and Kellogg.

So the bill passed, and

Its title was agreed to.

The following communications from the house were then read:

HOUSE OF REPRESENTATIVES,
Monday, January 11th, 1869.

MR. PRESIDENT:—I have been instructed to inform the council, that the house has on this day, passed house file No. 54, entitled "A bill for an act supplementary to an act entitled an act in relation to town-sites, entered as such under the act of Congress, approved, March 2d, 1867,—approved, Dec. 18th, 1867,—which bill I herewith transmit, and request the concurrence of the council therein.

GEO. I. FOSTER,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Monday, January 11th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house has this day passed house file No. 56, entitled A bill for an act providing for the holding of special terms of the district courts, and for other purposes. Which bill is herewith transmitted and the concurrence of the council respectfully requested therein.

GEO. I. FOSTER,
Chief Clerk.

House file No. 54, A bill for an act supplementary to an act entitled an act in relation to town-sites, entered as such, under the act of Congress, March 2d, 1867, approved, Dec. 18th, 1867.

Was then taken up, and

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended, and bill

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 9; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Hampton, Lewis, McIntyre, Rossteuscher and Mr. President.

Those voting in the negative, were

Mr. Kellogg.

So the bill passed, and

Its title was agreed to.

On motion of Mr. Brookings,

The vote by which council bill No. 34, A bill relating to town-sites, was passed, was reconsidered.

On motion of Mr. Brookings,

Council bill No. 34, was indefinitely postponed.

House file No. 56, A bill for an act providing for the holding of special terms of the district court, and for other purposes.

Was then taken up, and

Read a first and second time, and

Referred to the committee on the judiciary.

REPORTS OF COMMITTEES.

Mr. Hampton, from committee on Territorial affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Territorial affairs have had under consideration, house file No. 43, A bill for an act to promote immigration to the Territory of Dakota, and beg leave to report the same back recommending its indefinite postponement.

A. H. HAMPTON,
Chairman.

House file No. 43, A bill for an act to promote immigration to the Territory of Dakota.

Was then taken up, and

Indefinitely postponed.

Mr. McIntyre, from committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee to whom was referred council bill No. 25, A bill concerning fences and fence viewers, pound and impounding cattle, have had the same under consideration, and would report the same back without recommendation.

C. H. McINTYRE,
Chairman.

On motion of Mr. Brookings,

Council bill No. 25, was laid on the table.

Mr. Brookings, from committee on the judiciary, submitted the following report:

MR PRESIDENT:—Your committee on the judiciary, to whom house file No. 53 was referred, report the same back and recommend that it do pass; also

House file No. 46, with amendment, and recommend that it do pass as amended; also

Council bill No. 5, and council bill No. 7, and ask that they be indefinitely postponed.

W. W. BROOKINGS,
Chairman.

Mr. Hampton, from committee on highways, bridges and ferries, submitted the following report:

MR. PRESIDENT:—Your committee on highways, bridges and ferries, have had under consideration, house file No. 36, A bill for an act authorizing the county commissioners of each county, in this Territory, to levy a tax for bridges, and beg leave to report it back and recommend its passage.

A. H. HAPMTON,
Chairman.

The following communication from the house, was then read:

HOUSE OF REPRESENTATIVES,
Monday, January 11th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house did, on the 9th instant, pass council bill No. 14, entitled A bill for the relief of the poor; also

Council bill No. 31, entitled A memorial to Congress, asking for a grant of land to aid in the construction of the M. & M. R. R. Which bills are herewith returned.

I am also instructed to inform the council that the house did on the 9th instant, concur in council amendment, to house file No. 14, entitled A bill for an act repealing the charter of the Dakota and Northwestern Railroad Company; also

That the house did on the 9th instant, concur in council amendment to house file No. 27, entitled A memorial to Congress, asking for the erection of an additional land district on the Missouri river, in Dakota Territory.

GEO. I. FOSTER,
Chief Clerk.

Mr. Austin, from committee on education, submitted the following report:

MR. PRESIDENT:—Your committee to whom was referred substitute for house file No. 48, A bill to prevent the importation of Texas or Cherokee cattle into the Territory of Dakota, and for other purposes, report the same back, and recommend that it do pass.

H. J. AUSTIN,
Chairman.

Council bill No. 33, A bill for an act to prevent the sale of spirituous liquors, in certain localities.

Was then taken up, and

Read a third time.

The question now being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 9; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Carpenter, Fraley, Green, Hampton, McIntyre, Wood and Mr. President.

Those voting in the negative, were

Messrs. Brookings, Kellogg, Lewis and Rossteuscher.

So the bill passed, and

Its title was agreed to.

Council bill No. 5, A bill to repeal chapter 1, of the laws of 1862 & 3.

Was then taken up, and
On motion of Mr. Brookings,
Indefinitely postponed.

Council bill No. 7, A bill to repeal chapter 31, of the laws of 1862.

Was then taken up, and
On motion of Mr. Brookings,
Indefinitely postponed.

Council bill No. 32, A bill for an act to protect the citizens of Dakota Territory, and elevate the standing of the medical profession.

Was then taken up, and
Read a third time.
The question now being on its passage, and it being put, "shall the bill pass?"
It was decided in the affirmative.
Ayes 9; noes 3, as follows:
Those who voted in the affirmative, were
Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Hampton, Kellogg, Lewis and Wood.
Those who voted in the negative, were
Messrs. McIntyre, Rossteuscher and Mr. President.
So the bill passed, and
Its title was agreed to.
Mr. Kellogg gave notice that he should move to reconsider the vote by which the bill passed.

Mr. Brookings moved to reconsider the vote, and moved to lay the motion to reconsider on the table.
Ayes and noes being called for, and ordered, the vote stood:
Ayes 9; noes 4, as follows:
Those who voted in the affirmative, were
Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis and Wood.
Those voting in the negative, were

Messrs. Kellogg, McIntyre, Rossteuscher and Mr. President.

So the motion to lay the motion to reconsider on the table, prevailed.

House file No. 36, An act authorizing the county commissioners of each county in this Territory to levy a tax for bridges,

Was then taken up, and

Read a third time.

Mr. Rossteuscher moved to postpone further action on the bill until to-morrow.

Which motion was lost.

Mr. Kellogg moved to lay the bill on the table.

Which motion was lost.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the negative.

Ayes 5; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Carpenter, Fraley, Hampton, Kellogg and Wood.

Those voting in the negative, were

Messrs. Austin, Benedict, Brookings, Green, Lewis, McIntyre, Rossteuscher and Mr. President.

Mr. Austin gave notice that he would move to reconsider the vote by which house file No. 36, was not passed.

House file No. 46, A bill for an act to vacate a portion of the alley, running through block No. 16, in Witherspoon's Yankton, D. T.

Was then taken up, and

On motion of Mr. Brookings,

The amendments offered by the judiciary committee were adopted, and bill as amended,

Read a third time.

The question now being on the passage of the bill, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 10; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Lewis, McIntyre, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

House file No. 53, An act to provide for the service of process in counties where no district courts are held, and for other purposes.

Was then taken up, and

Read a third time.

The question then being on the passage of the bill, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes 1, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Wood and Mr. President.

Those voting in the negative, were

Mr. Kellogg.

So the bill passed, and

Its title was agreed to.

House file No. 48, A bill for an act to prevent the importation of Texas and Cherokee cattle, into the Territory of Dakota, and for other purposes.

Was then taken up, and

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 10; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Carpenter, Green, Hampton, Kellogg, McIntyre, Rossteuscher, Wood and Mr. President.

Those voting in the negative, were

Messrs. Brookings, Fraley and Lewis.

So the bill passed, and

Its title was agreed to.

On motion of Mr. Brookings,

Council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:

A. F. SHAW,

Secretary.

THIRTY-SEVENTH DAY.

COUNCIL CHAMBER,
Tuesday, Jan. 12th, 1869.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

Journal of yesterday's proceedings read and approved.

INTRODUCTION OF BILLS.

Mr. Brookings, by unanimous leave, introduced council bill No. 38, An act vacating the lower Territorial road, from Yankton, to James river.

Read a first and second time, and

On motion of Mr. Brookings,

Rules were suspended, and bill

Read a third time.

The question now being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, Rossteuscher, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

Mr. Kellogg withdrew his motion to reconsider the vote, by which council bill No. 35, was lost on passage.

REPORTS OF COMMITTEES.

Mr. Rossteuscher, from committee on Indian affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Indian affairs to whom was referred council bill No. 30, entitled "A memorial to Congress, asking for the removal of the Santee Sioux Indians, to the new Indian reservation, beg leave to report the same back without recommendation.

CHAS. F. ROSSTEUSCHER,
Chairman.

Mr. Brookings, from committee on judiciary, submitted the following report:

MR. PRESIDENT:—Your committee on the judiciary to whom was referred house file No. 56, beg leave to report the same back without recommendation.

W. W. BROOKINGS,
Chairman.

Council bill No. 36, A bill to provide for the payment of certain Territorial warrants,

Was then taken up, and

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 10; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, Wood and Mr President.

Mr. Rossteuscher voting in the negative.

So the bill passed, and

Its title was agreed to.

Mr. Rossteuscher, from committee on enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled bills, beg leave to report that this 12th day of January, at 11 o'clock a. m., they handed to His Excellency, the Governor, for his approval, council bills No. 10, "An act to establish a code of criminal proceedure, for Dakota Territory;" also

Council bill No. 14, "An act for the relief of the poor."

CHAS. F. ROSSTEUSCHER.
Chairman.

House file No. 56, A bill for an act providing for holding of special terms of the district courts, and for other purposes.

Was then taken up, and

Laid on the table until to-morrow.

Mr. Kellogg, from select committee, submitted the following report:

MR. PRESIDENT:—Your select committee to whom was referred house file No. 28, entitled A bill for an act to confer upon women the elective franchise and eligibility to office, have had the same under consideration, and have instructed me to report a substitute bill, which substitute bill is herewith transmitted.

GEO. W. KELLOGG,
Chairman.

House file No. 28, (substitute,) was then taken up.

Mr. Benedict moved to indefinitely postpone further consideration of the bill.

Mr. Fraley moved to lay the motion to indefinitely postpone on the table.

Which motion prevailed.

And the motion to postpone was laid on the table.

The question now being on the passage of the bill, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 9; noes 4, as follows:

Those voting in the affirmative, were,

Messrs. Austin, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Rossteuscher and Wood.

Those voting in the negative, were

Messrs. Benedict, Brookings, Kellogg and Mr. President.

So the bill passed, and

Its title was agreed to.

Mr. Wood gave notice that he should move to have the vote by which house file No. 28, (substitute) was passed, reconsidered.

Mr. Austin moved to reconsider the vote by which house file No. 28, (substitute) was passed, and moved to lay the motion to reconsider on the table.

Which motion prevailed.

Ordered, That the secretary return the bill to the house.

Mr. Austin moved to reconsider the vote by which house file No. 36, An act authorizing the county commissioners of each county, in this Territory, to levy a tax for bridges.

Which motion prevailed.

The question now being on the passage of the bill, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 8; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Carpenter, Fraley, Green, Hampton, Kellogg and Wood.

Those voting in the negative, were

Messrs. Brookings, Lewis, McIntyre, Rossteuscher and Mr. President.

So the bill passed, and

Its title was agreed to.

On motion of Mr. Kellogg,

Council took a recess of fifteen minutes.

Council called to order.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Tuesday, Jan. 12th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house has this day passed council bill No. 27, (house substitute,) entitled A bill for an act fixing the representation of certain counties therein named, which bill is herewith returned and the concurrence of the council respectfully requested in said substitute.

GEO. I. FOSTER,
Chief Clerk.

House substitute for council bill No. 27, An act defining the boundaries of the different counties in this Territory, and apportioning the representation therein.

Was then taken up, and

On motion of Mr. Brookings,

The council disagreed to the house substitute.

Council bill No. 25, A bill concerning fences and fence viewers, pounds and impounding cattle,

Was then taken up, and

Read a third time.

On motion of Mr. Kellogg,

The bill laid on the table until to-morrow.

Mr. McIntyre, from committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee to whom was referred house file No. 44, A bill for an act supplementary and amendatory to chapter fifteen, laws of 1865 & 6, entitled an act to establish a fence law, have had the same under consideration and would report the same back with the following amendment, and recommend that it do pass:

In section 1, fifth line, after the word "board," insert the word "rail."

C. H. McINTYRE.

Mr. Austin submitted the following amendment:

Amend section one, so as to read "by placing the ends of the posts firmly in the ground, not to exceed (32) thirty-two feet," and "with swing posts every eight feet."

Which motion prevailed.

Which amendments were adopted.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Tuesday, Jan. 12th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house has this day passed council bill No. 35, entitled A bill for an act to prohibit certain animals from running at large in certain seasons of the year, in Lincoln county, Dakota Territory, which bill is herewith returned.

I am also instructed to inform the council that the house has this day passed house file No. 55, (substitute) entitled A bill for an act authorizing the city of Cheyenne, to fund its floating debt, which bill is herewith transmitted, and the concurrence of the council respectfully requested therein.

I am also instructed to inform the council that the house has this day passed council bill No. 37, An act concerning revenue, which bill is herewith returned.

I am also instructed to inform the council that the house has this day receded from its amendment to council bill No. 27, An act defining the boundaries of the different counties in the Territory of Dakota, and for other purposes.

GEO. I. FOSTER,
Chief Clerk.

House file No. 44, was then taken up, and

Read a third time as amended.

The question now being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

Council bill No. 30, A memorial to Congress, asking for the removal of the Santee Sioux Indians, to the new Indian reserve

Was then taken up, and

Laid on the table until to-morrow.

House file No. 55, A bill for an act authorizing the city of Cheyenne, to fund its floating debt.

Was then taken up, and

Read first and second time, and

Laid on the table until to-morrow.

On motion of Mr. Brookings,

Council adjourned.

Approved:

N. J. WALLACE,

President.

Attest:

A. F. SHAW,

Secretary.

THIRTY-EIGHTH DAY.

COUNCIL CHAMBER,
Wednesday, Jan. 13th, 1869.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

Journal of yesterday's proceedings read and approved.

Mr. Rossteuscher, from committee on enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled bills, beg leave to report that they have examined council bill No. 27, entitled "An act defining the boundaries of the different counties in the Territory, and for other purposes," and find the same correctly enrolled.

CHAS. F. ROSSTEUSCHER,
Chairman.

INTRODUCTION OF BILLS.

Mr. Brookings introduced council bill No. 39, A bill to repeal certain acts of the several Legislatures of Dakota.

Read a first and second time, and

Referred to special committee, consisting, of

Messrs. Kellogg, Austin and McIntyre.

Mr. Kellogg introduced council bill No. 40, A bill for an act authorizing the county commissioners of Union county, Dakota Territory, to keep in repair the military bridge across the Big Sioux river.

Read a first and second time, and

On motion of Mr. Kellogg, bill

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes 1, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Green, Hampton, Kellogg, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

Mr. Fraley voting in the negative.

So the bill passed, and

Its title was agreed to.

Mr. Hampton, from committee on Territorial affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Territorial affairs have had under consideration, house file No. 45, A bill for an to establish a Territorial library and cabinet, and beg leave to

report it back to the council and recommend its indefinite postponement.

A. H. HAMPTON,
Chairman.

The following communications from the Governor was then read:

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 12, 1869.

Hon. N. J. Wallace, President of the Council:

SIR:—I have the honor to return herewith, council bill No. 37, entitled "An act concerning revenue;" also

Council bill No. 35, entitled "An act to prohibit certain animals from running at large in certain seasons of the year, in Lincoln county, Dakota Territory;" which I have approved and signed.

I am, Very Respectfully,
Your Ob'dt. Servant,
A. J. FAULK,
Governor.

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 12, 1869.

Hon. N. J. Wallace, President of the Council:

SIR:—I have the honor to return herewith, council bill No. 10, entitled "An act to establish a code of criminal proceedure for Dakota Territory;" which I have approved and signed.

I am, Very Respectfully,
Your Ob'dt. Servant,
A. J. FAULK,
Governor.

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 12, 1869.

Hon. N. J. Wallace, President of the Council:

SIR:—I have the honor to transmit herewith, council bill No. 14, entitled "An act for the relief of the poor," which I have approved and signed.

I am, Very Respectfully,
Your Ob'dt. Servant,
A. J. FAULK,
Governor.

Council bill No. 25, A bill concerning fences and fence viewers, pounds and impounding cattle.

Was then taken up, and

On motion of Mr. Brookings,

Indefinitely postponed.

Council bill No. 30, A memorial to Congress, asking for the removal of the Santee Sioux Indians, to the new Indian reserve,

Was then taken up.

Mr. Austin moved further action on the bill be indefinitely postponed.

Which motion did not prevail.

Mr. Brookings moved further action be postponed until the 16th day of January.

Which motion prevailed.

House file No. 45, A bill for an act to establish a Territorial library and cabinet,

Was then taken up, and

On motion of Mr. Kellogg,

Further action was indefinitely postponed.

Mr. Kellogg moved the council take a recess of 15 minutes.

Which motion did not prevail.

On motion of Mr. Brookings,

Council took a recess of 10 minutes.

Council called to order.

Mr. Rossteuscher by unanimous leave, introduced council bill No. 41, A joint resolution for an appropriation for the enrolling clerks.

Read first and second time, and

On motion of Mr. Brookings,

The rules were suspended, and bill

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, McIntyre, Rossteuscher, Wood and Mr. President.

None voting in the negative.

So the bill passed, and

Its title was agreed to.

House file No. 56, A bill for an act providing for the holding of special terms of the district courts, and for other purposes.

Was then taken up, and

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 7; noes 6, as follows:

Those voting in the affirmative, were

Messrs. Benedict, Brookings, Fraley, McIntyre, Rossteuscher, Wood and Mr. President.

Those voting in the negative, were

Messrs. Austin, Carpenter, Green, Hampton, Kellogg and Lewis.

So the bill passed, and

Its title was agreed to.

The following communication from the house, was then read:

HOUSE OF REPRESENTATIVES,
Wednesday, Jan. 13th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house has this day passed council bill No. 41, entitled Joint resolution for an appropriation for the enrolling clerks, which bill is herewith returned.

GEO. I. FOSTER,
Chief Clerk.

Mr. Rossteuscher, from committee on enrolled bills, submitted following report:

MR PRESIDENT:—Your committee on enrolled bills, ask leave to report that they have handed to His Excellency, the

Governor, this 13th day of January, at 11 o'clock a. m., for his approval, council bill No. 27, entitled An act defining the boundaries of the different counties, and for other purposes.

CHAS. F. ROSSTEUSCHER,
Chairman.

On motion of Mr. Rossteuscher,
House substitute for council bill No. 36, was concurred in.

House file No. 57, A bill for an act to provide for the registration of the votes of this Territory.
Was then taken up, and
Read first and second time, and
On motion of Mr. Kellogg, was
Laid on the table until to-morrow.

The following communications from the house was then read:

HOUSE OF REPRESENTATIVES,
Wednesday, January 13th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house has this day passed the following council bills, to-wit:

Council bill No. 18, entitled A bill relative to county commissioners and county clerks.

Council bill No. 36, (house substitute,) entitled A bill to provide for the payment of certain Territorial warrants.

Council bill No. 28, entitled A bill to regulate the fees of certain officers.

Council bill No. 38, entitled An act vacating the lower Territorial road, from Yankton, to James river; also

Council bill No. 40, entitled An act authorizing the board of county commissioners of Union county, Dakota Territory, to keep in repair the military bridge across the Big Sioux river, with amendments attached, which bills are herewith returned and the concurrence of the council respectfully requested to said substitute for council bill No. 36, also to amendment to council bill No. 40.

I am also instructed to inform the council that the house has this day passed house file No. 57, entitled A bill for an act to

provide for the registration of the voters of this Territory, which bill is herewith transmitted and the concurrence of the council respectfully requested therein.

I am also instructed to inform the council that the house has this day refused to concur in council amendment to house file No. 28, entitled A bill for an act to confer upon women the elective franchise and eligibility to office.

I am also instructed to inform the council that the house did on the 12th instant, concur in the council amendments to house file No. 46, entitled A bill for an act to vacate a portion of the alley running through block No. 16, "Witherspoon's," Yankton, D. T.

GEO. I. FOSTER,
Chief Clerk.

On motion of Mr. Brookings,

The house amendments to council bill No 40, A joint resolution for an appropriation for the enrolling clerks, were concurred in.

Mr. Rossteuscher called up house file No. 28, A bill for an act to confer upon women the elective franchise and eligibility to office.

On motion of Mr. Brookings,

Further consideration of the bill was postponed until tomorrow.

On motion of Mr. Brookings,

Council adjourned.

Approved:
N. J. WALLACE,
President.

Attest:
A. F. SHAW,
Secretary.

THIRTY-NINTH DAY.

COUNCIL CHAMBER,
Thursday, January 14th, 1869.

Council met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

On motion of Mr. Brookings,

Reading of the journal of yesterday's proceedings postponed.

Mr. Green by unanimous leave, introduced council bill No. 42, A memorial to the Congress of the United States, asking for the establishment of a wagon road, from Yankton, via. Canton, D. T., to Spirit Lake, Iowa.

Read first and second time, and

On motion of Mr. Kellogg,

Rules suspended, and bill

Read a third time.

The question now being upon its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes none, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Rossteuscher, Wood and Mr. President.

So the bill passed, and

Its title was agreed to.

Mr. Brookings by unanimous leave, introduced council bill

No. 43, A bill to attach all that portion of Dakota Territory, not included in any other judicial district, to the second district, for judicial purposes.

Read first and second time, and
On motion of Mr. Brookings,
The rules were suspended and bill
Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, Rossteuscher, Wood and Mr. President.

So the bill passed, and
Its title was agreed to.

Mr. Austin in the chair.

Mr. Wallace by unanimous leave, introduced council bill No. 44, A joint resolution, making an appropriation to pay for publishing an act entitled an act concerning revenue.

Read a first and second time, and
On motion of Mr. Wallace,
The rules were suspended, and bill
Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

So the bill passed, and
Its title was agreed to.

Mr. Brookings called up house file No. 55, A bill for an act

to authorize the city of Cheyenne to fund its floating debt, and offered a substitute.

On motion of Mr. Brookings,

The substitute was adopted, and

Read a third time.

The question now being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

Mr. Kellogg voting in the negative,

So the bill passed, and

Its title was agreed to.

Mr. Brookings, from joint committee on Railroads, submitted the following report:

MR. PRESIDENT:—I am instructed to make the following report by the joint committee on railroads:

There are at the present time some six or seven lines of railroads in Minnesota and Iowa, all tending towards Dakota. The Chicago and Northwestern, and Sioux City and Pacific already gives us an outlet to the East, while several of the other roads will soon reach our eastern border, as most of these roads have nearly sufficient land grants to construct them.

The railroad system of Dakota consists in three grand lines.

1. The Northern Pacific which passes nearly through the center of this Territory from east to west. This road already has a very liberal grant of land.

2. A road from the western boundary line of the State of Minnesota connecting with a road from Lake Superior; thence via Sioux Falls to Yankton; thence from Yankton to Columbus in the State of Nebraska; thence to Manhattan, Kansas, forming a grand line from Lake Superior to Kansas, passing through a country unsurpassed in its many resources.

3. A road from Sioux City via Elk Point, Vermillion, Yankton, Bon Homme to the mouth of White Earth river; thence up the White Earth about eighty miles; thence to the north fork of the Big Sheyenne river; thence up said fork to the Little Missouri river; thence to Helena, Montana Territory, there to connect with the Northern Pacific. This road from Sioux City to Montana will yet be a part of one of the grand trunk lines between the Atlantic and Pacific oceans. Much of this route passes through one of the richest mineral countries on the globe, and the resources along the line of this route are very much greater than along the line of the Union Pacific, in proof of which you are referred to various reports and letters herewith attached.

The incredulous will ask, when do you expect to see all this accomplished? We shall answer by quoting the report of the committee on railroads at the Portland International Convention of August, 1868, and an extract from the speech of Hon. Amasa Walker, of Massachusetts, on that report:

"*Resolved*, That the Convention is profoundly impressed with the importance of the changes which are about to take place in the course of the commerce of the world by the completion or unbroken railway communication across the continent of North America, and by the large diversion of the traffic of the East from Cape of Good Hope, and Red Sea routes, through the United States.

Resolved, That the interest with which the great nations of China and Japan are regarding the establishment of American steamship lines on the Pacific ocean, and the construction of trans-continental American railroads, and the earnest desire which they evince to cultivate more intimate commercial relations with the people of this country, make it incumbent upon us to sustain and to prosecute with the utmost vigor, these national and international enterprises, in order that we may be promptly prepared to avail ourselves of the advantages of our geographical position and of the friendly disposition of the Eastern nations for the extension of our foreign commerce.

Resolved, That in the judgment of this Convention, two continental railways in addition to that now under construction by the Omaha route, one upon the line of parallel to the north, and the other upon a line of parallel to the south of that route, should be built with the least possible delay, to meet the requirements of the trade of Asia already referred to, and to

open to settlement and to cultivation the interior territories of the country, and to hasten the development of their agricutural and meneral wealth; and, therefore, the Convention respectfully and earnestly urges upon Congress the patriotic duty of granting immediate and adequate aid, to perfect our American system by the building of these additional railways.

Resolved, That the projected line from the head waters of Lake Superior, to Puget Sound, which will render available for the purposes of the commerce of the world, our great inland seas, which will give communication between Asia and Europe by the shortest distances on both the Pacific and the Atlantic oceans, and by the shortest distance through the United States, gives promise of great advantage to the entire country, as well as to the States and Territories through which it is to pass.

Resolved, That the projected line of railway to the Pacific Ocean, which will traverse the country on or adjacent to the thirty-fifth parallel of latitude, in view of the climate and of the fertility and mineral wealth of the country through which it will pass, and in view of the commercial necessities of the souther portion of the United States, is of no less vital importance than that which is to unite the northeast with the northwest, affording, as it will, more direct communication to the cities of St. Louis, Memphis, Vicksburg, New Orleans and Galveston, with the Pacific coast.

Resolved, That it is of the highest importance that we use the shortest practicable routes between the various cities of our country, between the eastern and western sections, and between the Atlantic and Pacific oceans.

Resolved, That this Convention recommends the completion of a line of railroads from Portland to the West, which will connect the Atlantic and the Pacific by the shortest and most practicable route, recognizing at the same time the importance of such proposed and existing routes, as connect tide-water with the lakes, or afford valuable additions to the direct lines of transit between the East and the West."

Hon. Amasa Walker, of Massachusetts, said:

"This report, Mr. Chairman, proposes a magnificent scheme—the construction of two more railroads across the continent of North America. Is not that an astonishing proposition? and to many minds, must it not almost seem perfectly absurd? And yet, what proposition of any importance relating to railroads has not been received in precisely the same spirit? The proposition to build a railroad from Boston to Albany was thought a very visionary—something that reasonable, reflecting men would not encourage for a moment. It was only a few zealous and earnest young men who dared to contemplate such

an undertaking as a railroad from Boston to Albany. And yet it was accomplished at last, and with what results? The business of the road has been tenfold greater than anybody had even anticipated, and in making their arrangements for stations, procuring land, etc., they did not provide for more than one-tenth the accommodations they ought to have secured. Now, sir, that has been the experience in every section of the country from that time to this; and therefore it is that we are not to be startled with this idea of two new railroads across the continent. The country develops with such tremendous activity that, as was said by the gentlemen who preceded me, we cannot keep up with the increase of population by all the railroads that we can make. So that there is nothing visionary, nothing chimerical in this idea of sending another railroad across the continent north, and another railroad south of the one now in process of construction, because we open such vast territories and develop such vast resources by so doing.

I will not, sir, detain the Convention by any extended remarks. My only object is to remove the impression, if it exists in the mind of any gentleman present, that this is a mere chimera, a new visionary project, that a few minds entertain, who have not the discretion of the judgment to know what is for the good and for the best interests of the country."

Now this scheme of such three grand railroads for Dakota is no mere chimera or visionary project; less than ten years will see much of it accomplished, and within fifteen all these lines of road will be built and Dakota will be a great flourishing State. A portion of No. 3, from Sioux City to Yankton, will be completed in less than two years.

Your committee believe they could easily demonstrate mathematically that it will pay to construct all of the lines of road. No one will hardly deny that the building of each of these lines of road would enhance the value of the land for ten miles on each side of the road, at least five dollars per acre, which would amount to $64,000, per mile. Now these roads can be constructed for about $22,000, per mile: so there would be a net gain to the land ownesr of $42,000, per mile after paying for the construction of the road, and if our statesmen are wise if they are men of enlarged views, they will never hesitate to make liberal grants of land for the construction of railroads in the new States and Territories. It will be the part of true economy.

Here is what Hon. E. H. Derby, of Boston, says about railroads:

"Massachusetts is the mother of the railroad system of the country. We built the first line of railroad in Quincy long before the Baltimore and Ohio Railroad or the Albany and Schenectady Railroad was built. We built the first railway, as we built the first canal; and to-day Massachusetts, having loaned her money to the Western Railway and to other great enterprises, exults in what she has done. She plumes herself upon all her daughters,—upon her daughter Maine, and not less upon her railways, by which she secures communication with that daughter. To-day, her average railway return is $18,000 a mile of gross income upon her investment. She lent her bonds at five per cent, and to-day she receives an average net revenue of nine or ten per cent upon her investment, besides the benefit of the millions of dollars that have been added to the wealth of the State. To-day, she has one hundred millions invested in railways in the State, and still more invested outside the State. Her investment outside of Massachusetts is larger than that in it, and by means of her investment in railway, she has become one of the strongest States of the Union, for the savings banks of Massachusetts to-day alone have an amount of deposits which exceeds the whole valuation of the State of South Carolina. (Applause.) Dropping the hammer and the hand-drill, the miner grasps the four elements of air, earth, fire, and water to perforate the mountain, and will finish her task before your great line is completed.

But, gentlemen, I did not come here to-day to eulogize my own State; I came here to represent the great line of railway to which I have referred, and to wish God-speed to the enterprises of the State of Maine,—all of them. Whether they point to Vermont, or whether they point eastward to the British Provinces, I bid them all God-speed; yes, every one of them. And, first, let me say a word for the European and North American Railway. We consider that almost a Massachusetts enterprise. Our State has made its contribution to that road,—has given it a lift. I trust it is to succeed. We regard it not merely as a local enterprise, to connect the Penobscott with St. John, but as a line to connect the United States with Canada, with New Brunswick, with Nova Scotia, with Cape Breton and Newfoundland, and as the great highway of nations. They talk of an "intercolonial" or "international" line. The great international, the continental line, is the European and North American Railway, combining many lines of traffic and many lines of travel, and, when completed, forming a link in that great chain which eventually, commencing at Heart's Content or Placentia Bay, or some other point on the remote island of Newfoundland (and those names are appropriate for the triumphs of peace, if not of war), is to come

onward by Shediac and St. John to Bangor and Portland. The passenger, who shall have passed in five days from the Cove of Cork to Placentia Bay, in one day more will reach Portland. Diverging here, he will go to Montreal by the Grand Trunk Railroad (which I hope to see resuscitated and improved), or to Rutland by the inland line which I trust you will build, or onward, by Lawrence and Lowell, to Groton and Greenfield, and thence to Lake Ontario, or in that direction. In one day from Placentia Bay he reaches Portland; in another day, some point near Suspension Bridge; and so passing onward, by the Central or North Pacific line, he will reach California or Oregon, or, beyond Oregon, the Straits of Fuca, at the harbor which the gentleman from Oregon has depicted here [Puget Sound]. Thus, in five or six days, the passenger passes from Portland to the shores of the Pacific. In fourteen days more, he will land in Japan, and in two days more, in that great nation which our Mr. Burlingame, another son of Massachusetts, is to-day uniting with the great family nations. (Applause.) This is the object we desire to accomplish.

Now, gentlemen, I want the European and North American Railway built, and I hope that the resolutions which will be passed by this Convention will subserve that end; and I feel to-day that I am addressing, not merely the State of Maine, or Massachusetts, or Vermont, so well represented here by my distinguished friend, General Washburne, but I feel that I am addressing the continent of North America. (Applause.) I go for a continental line. We had an old continental line years ago which rendered signal service to the country; I go for a continental line to-day. That is the enterprise which I am here to advocate; and, sir, the European and North American Railway is a part of that continental line. We hear it intimated that it is the policy of Great Britain to have a military road down by Miramichi, or somewhere near the borders of the Gulf of St. Lawrence; that she avows it to be her policy in her arrangements with her colonies, to raise twenty millions, by the joint credit of both, for the construction of a military road. I am not an advocate for political roads. I go for the roads which commerce and peace demand; and that does not seem to me to be a route which either commerce or peace requires. And when I think what might be accomplished by twenty millions of dollars, at three or four and a half per cent interest, in perfecting the improvements we have planned, or already have in operation, I feel a strong solicitude that the voice of this continent shall be heard in England, and that we should speak here, in loud and strong terms, as representing North America in this continental convention, to secure the appropriation to continental lines of that twenty millions of dollars.

I had occasion, not very long since, to make the passage to Halifax with one of the ministers of Canada, with whom I discussed this question. Said I, "My friend, I beg you, when you land in England and go to the Court of St. James, to remember that you speak not merely for Canada, but that you speak for the continent; for whatever we may think to-day, or whatever may happen to-morrow, there is no man, I presume, on this continent, who has not come to the conclusion that at some day the two countries will be merged in one; that either the Canadas will take us, or we shall welcome the Canadas. (Laughter and applause.) Recollect," said I, "when you discuss this great question of the railway loan on the other side, that you are not merely a Canadian, but an American, that you speak for the whole continet; and that, if this money is to be raised, on the joint credit of England and her provinces on this continent, it should be so applied as to benefit this continent. And why will you not say to the lady who presides on the other side of the water, who is our friend, and the friend of the human race, that if she wishes a military road, she should assume its construction, and the Provinces will guarantee her note? Because, if you sign the note, and she builds the road, if she makes a mistake, you may have to pay the amount, and I prefer that America should be the indorser rather than the principal." It was in this jesting way that I spoke to the Canadian minister, but you know a true word may sometimes be spoken in jest. A military road is not wanted. What American wishes for it? If Canada ever unites with this country, it must be a union of hearts; it must be a connection of affluities, a confederation of commerce and trade. A Canadian gentleman said to a meeting in Boston, some years ago; (I refer to Hon. Joseph Howe), "You have attempted to invade Canada, and have not been successful. You have made a mistake. Let me advise you, when you try it again, to put the ladies in front; you will then be sure to conquer." I prefer, as a citizen, of the United States, that we should follow the advice of Mr. Howe. When the Provinces extend their hands, we will grasp them, and then, "whom God has joined, let no man put asunder." (Applause.)

I will detain you, gentlemen, but a moment or two longer. I have one or two general suggestions to make, which I make with pleasure. I would have the voice of this convention heard over the whole United States. I would have it heard in England. We want the aid, in our various enterprises, not merely of Maine, not merely of Massachusetts, we want the aid of the United States, we want the aid of the Provinces, we want the aid of Great Britain, whose coffers are overflowing. The European and North American Railway is to connect Great Britain and the Provinces with the United States.

While the military road, to which I have alluded, may answer in time of war, for a special and momentary purpose, the road I have the honor to support will answer the daily purposes of peace. It combines not only the traffic of Nova Scotia and New Brunswick and Prince Edward Island (that fair island of the ocean which we all admire), it combines not only the traffic of these places with Maine and Massachusetts, but it connects the continent of Europe with the Great West. We are, gentlemen, to see the passengers who are now landed at New York, land at Newfoundland or Nova Scotia, perhaps at Louisbourg, with which Massachusetts was, in her early history, an honorable connection,—we are to see these passengers landed there, and passing onward by this great line to the West. And Europe is interested in this, for she sends out her hundreds of thousands of emigrants every year, for whom we provide farms in the wilderness. This great tide of travel is to be turned upon this railway, and for this we invoke not only the aid of States and Provinces, but of England, for it will benefit her commerce and her subjects if we facilitate intercourse between the two countries. I desire, therefore, a portion of the twenty millions for the completion of that line which is placed where it is wanted. Then, if a canal is wanted across the head of the Bay of Fundy, across the isthmus, I ask a portion for that. And then, more than that, I ask for a ship canal which shall turn the waters of the St. Lawrence and the Ottawa through Canadian territory, into Lake Champlain, there to connect the railway system of Massachusetts, which has already struck the shores of the lake, with Boston and Portland. You all know, that by the great steamers on the lake, freight and passengers can be carried at lower rates even than by railway, and I would have those great steamers meet the railways on the shores of Lake Champlain, as well as Ontario, and send their freight to New York, Boston, or Portland; and for that purpose we must have a canal from Lake Champlain to the St. Lawrence. We want it to bring the timber from Canada down to Boston and Portland. Then we want to deepen the canals of the St. Lawrence and enlarge its locks, to facilitate that communication. And then we must have a ship canal around the Falls of Niagara, for which Vermont, Massachusetts, and New Hampshire will all lift their voices, and give to it their cordial support. We want, then, the North Pacific Railway, which has been alluded to this morning, in order to connect with Oregon, and also with the Red River and Saskatchawan, our new acquisition of Alaska. It is already in progress. And, in this connection, I have the pleasure of saying to you, that the morning papers announce the discovery, near Sitka, of a vein of anthracite coal, twenty feet in thickness. It is fortunate that the title to this Territory has passed to the United States,

and that the money has been paid, for I venture to say, that such a coal-bank will pay the whole purchase-money, and fully warrant the acquisition."

Your committee have here incorporated extracts from different sources, to show the feasibility of our projected railroad routes.

PUGET SOUND; ITS HARBOR, &C.

Captain McClellan, after a thorough examination of the different harbors, pronounces Puget Sound to be superior to all others, and the most suitable for the western terminus of the Pacific Railroad.

"Seattle is the nearest point to the Straits of Fuca. It is easily entered with the prevailing winds, is secure from heavy seas, and has a most excellent holding ground of blue clay, and a great depth of water—thirty fathoms. The banks are suitable for a town; the deep water comes so near the shore that but very short wharves will be required. Semi-bituminous coal has been found within fourteen miles by water up the D'Wamish. The harbor can be defended by permanent fortifications." Pacific Railroad Surveys, volume 1, page 183.

There are a combination of circumstances beyond those stated by Captain McClellan, which make Puget Sound necessarily the great western terminus of this road. The inexhaustible beds of coal in that vicinity, which already commands $22 a ton in San Francisco, determines the question of precedence between the two points.

ESTIMATED COST, $50,000,000.

Mr. Lander, on page 35 of his report (Vol. 2, Pacific R. R. Surveys,) says:

"But a road of rough class, admitting the passage of practicable detour, can be completed from the waters of the Missouri river to Seattle, on Puget Sound, for fifty millions of dollars in cash capital, actually expended on the construction and equipment of the road."

Lieut. Saxton, who traversed the route from Wallah-Wallah in Washington Territory, to Dakota, says:

"From the mouth of the Wallah-Wallah river (on the Lower Columbia river) to Fort Benton, (on the Missouri river,) no unsurmountable obstacle to the construction of a railroad exists, and the Blackfoot or Cadotte's Pass is much the lowest pass through the Rocky Mountains that has yet been discovered, and eminently fitted by nature for the line of railroad. The

region is well watered, rich in agricultural and mineral resources, and abounding in fine timber and all other materials necessary for the construction of a railroad. It is destined, and at no very distant period, to be occupied by a civilized and energetic population, capable of making roads for themselves, independently of these which are to form the great lines of communication between the eastern and western oceans." Vol. 1, Pacific R. R. Surveys, page 368.

From Cadotte's Pass to Puget Sound, the route is the same as that surveyed by Gov. Stevens. The Hon. Jefferson Davis, Secretary of War, in summing up the advantages of this route, says:

"The advantages of this route are—its low profile, which is important in relation to climate; its easy grades and small amount of ascents and descents, both important, if the road should be developed to its full working power; the great extension west of the prairie lands, in the supplies of timber over the western half of the route; the facilities with which the Columbia river and its tributaries, and the Missouri, will afford to the construction of the road; in the short distance from the Mississippi to a seaport on the Pacific (1,864 miles to Vancouver;) in the western terminus of the road on Puget Sound, being nearer to the ports of Asia than the termini of other routes; and in the existence of coal on Puget Sound."

For a further description of the route and the country, see in this book the chapter entitled, Description of the Rocky Mountain region from the South Pass to the British Possessions, including the region of the headwaters of the Missouri river.

By reference to the map it will be seen that the routes from Yankton to Puget Sound, are almost continuously in the valleys of different streams. The obvious advantage of roads thus located forms a marked and significant characteristic of these routes, the value of which can hardly be overrated.

DESCRIPTION OF THE ROCKY MOUNTAIN REGION.

EXTRACTS *from the report of Lieutenant R. Saxton, published in Vol* 1 *of Pacific R. R. Surveys, Page* 260, *et seq:*

"FRIDAY, August 26.—To-day we moved our camp twenty five miles to the southeast, and encamped on a small creek, a tributary of the Columbia. Our route was along the Flat head river, through a fine, open country, with an abundance of fine timber upon the hills back from the river. I found a

great quantity of wild fruits, particularly excellent plums, nearly as good as those cultivated in the States." Page 260.

"For the last eight miles of the march we followed up the valley of the Jocko river, a beautiful mountain stream, full of fine trout, and capable of supplying water power enough to propel all the cotton mills of Lowell." Page 260.

"SEPTEMBER 5—Marched 25 miles due west, along the banks of the Blackfoot Fork river, through a magnificent country, fitted to support a numerous population of civilized men. Its bracing air, and grand mountain scenery, will give inspiration and energy to the future inhabitants of this mountain region." Page 260.

"SEPTEMBER 6.—We marched 30 miles and are now encamped on the last dividing ridge of the mountains. We passed through a region of the same fine character as that of yesterday, but with more timber, and more game. I saw numerous large, fine-looking elk, which would have made a welcome addition to our slender stock of provisions, but we did not succeed in taking any. We are now near the headwaters of the Blackfoot fork, a branch of the Hell-Gate river, full of mountain trout. The grass and timber are as good as can be found anywhere. It is contrary to all preconceived ideas of the Rocky Mountains, to find such a country in their very heart. Saw to the southeast some high snow-capped mountains." Page 262.

"The mountains at this point, (speaking of the ridge which divides the waters flowing into the Atlantic from those flowing into the Pacific,) offer no obstacle to the construction of a railroad from this place to the Flathead village. With the exception of one mountain, easily to be avoided, a finer region through which to build a road can nowhere be found. The vast amount of timber and stone, granite and marble, will furnish an inexhaustible resource of materials for its construction." Page 262.

"SEPTEMBER 25.—We anchored at night within a few miles of Muscle-Shell river, saw a great number of deer, elk and bears along the banks. The timber on the river is excellent, the soil good, and very few obstructions to navigation by light-draught steamers." Page 263.

"OCTOBER 2.—We arrived at Fort Union, near the mouth of the Yellow-Stone, without having met with any trouble from low water or Indians, having traveled from Fort Benton, 750 miles by the river, in eleven days. For the last few days we have seen innumerable herds of buffalo-cows, in many places extending in every direction as far as the eye could reach. They are very fat at this season, and I would consider their flesh as preferable to beef.

"I think Fort Union is the finest place on the Missouri for a military post—in the heart of the Indian country, surrounded with a fertile soil and the finest hunting range, and of easy access by the Missouri, for eight months in the year." Page 264.

"Arrived at Fort Berthold about sunset, (October 9th.) We received many visits from the Gros Ventres, and gave them a few presents. These Indians are fine specimens of the red men. They are industrious and raise even enough to supply many of their neighbors with bread. They are well disposed towards the whites." Page 265.

EXTRACTS *from the Report of Mr. A. W. Tinkham, Assistant Engineer, Published in Vol. 1, of Pacific R. R. Surveys, Page 276, et seq:*

"Until near the Flathead Lake, the valley of the river, (Flathead river,) continues wide, grand, and bordered by partially wooded hills. Most of this land is capable of occupation and settlement. The river is a fine, clear stream, one hundred to one hundred and fifty yards wide, occasionally fordable, swift current, and is estimated to have a descent of about ten feet per mile. The Flathead lake is a sheet of water of great beauty, some 25 miles long and 6 or 8 broad; is adorned with a number of picturesque islands rising some 300 feet above the water." Page 276.

"Following down the valley of a fork of Hell-Gate river to its junction with Blackfoot river, as I estimated, about 95 miles from the summit, (much too small an estimate, according to Lieutenant Mullan's odometer,) the valley is unusually favorable either for a wagon route or a railway. From the running water at the foot of the divide to Hell Gate, the valley, according to my estimate of distances, has an average descent of 22½ feet per mile, (undoubtedly greater than the actual fall by several feet per mile.) is generally wider than Blackfoot river valley; is generally unobstructed by the woods, and although the present trail in several instances for a few miles, is steep and difficult when forced to the hill side by the river, all these difficulties could be removed with a small amount of labor, or apparently avoided without labor, sometimes by taking the bed of the river for a short distance, (the river has a general depth of near three feet.) or by making river crossings.

The greater part of this valley is a desirable region for settlement. The soil is often gravelly, as is the soil in St. Mary's valley, but it is fertile, and there are many agreeable and promising locations for farming, where a good soil, plenty of good wood sufficiently near for fuel, pure water, good grazing and healthy climate, and a pleasing prospect, are inducement not often found united, and are sufficiently attractive to throng

these mountain valleys at no distant day with a central population of vast importance, making in the heart of the mountains, and midway between the Missouri and Columbia, a central depot of supplies, a distributing point of labor and materials, and finally a region productive of valuable exports." Page 279.

"Turning up the St. Mary's valley, on November 17th, I rested at Lieut. Mullan's winter establishment, in St. Mray's valley, 14 miles above Fort Owen; the weather mild and pleasant, and, during my stay there, occasionally raining; the grass good, and the animals of the expedition in the most thriving condition." Page 279.

"On the 30th day of December I reached Wallah-Wallah. The wooded country ends with the mountains, and then commences the great plain known farther north and west as the great Spokane Plain, and through which in deep channels, flow the Clearwater, Snake and Wallah-Wallah rivers, and other and smaller streams. There is a great deal of good land along the whole route on this section. The bottom lands on the Clearwater were to some extent, cultivated by the Indians, and looked fertile—a dark gravelly soil. Their corn was of good size and heavy; wheat of good weight. Corn, wheat, peas, potatoes and melons, are produced by the Indians." Page 281.

EXTRACTS *from the Report of Lieut. John Mullan, in Vol.* 1, *Pacific R. R. Surveys, Page* 306 *et seq*:

"SEPTEMBER 13, 1853.—On rising this morning we found our camp surrounded by buffalo, so numerous were they in the vicinity. Between the main chains of the Girdle and Judith mountains, and near the gap between them, is a large and beautiful prairie, well grassed, with numerous streams flowing through it, where the buffalo congregate in vast numbers; so that the traveler may be well assured to find an abundance of game, both of the buffalo and antelope, as large bands of the latter were to-day seen along the margin of the western tributary of the Judith river, which are so tame and gentle as to allow the hunter to approach them within a very few yards, and stop and look their pursuers in the face with the greatest curiosity. Our course lay this morning, till near noon, a few de-

grees east of south; first, over a partially broken country, and then over a most beautiful and large prairie that extends from the Muscle-Shell river to within 30 miles of a spur of the Girdle mountains, covered with very fine grass. We had this morning a very fine view of the Snow mountains, which rear their lofty snow-covered summits far above the country for miles around. Game we found on this day exceedingly abundant—the hills and prairies, as far as the eye could reach, being perfectly alive and black with buffalo; not less than from ten to twenty thousand might be seen in bands, running over the prairies. One of our Indians ran into a large band, and having selected one of the fattest, he singled him out from the rest and brought him down, immediately on our pathway. We were not in want of game this day, as we killed, during the morning, two large buck antelopes, the meat of which we found exceedingly fine; this, with the buffalo, made us an abundant supper at night. We moved this day at the source of a small stream that empties into the Muscle-Shell river, after having made a journey of twelve miles. During the afternoon our journey lay over the prairie already mentioned, to the Muscle-Shell river, which we reached at 5 p. m., making five days from Fort Benton, where we struck the river. I estimated it to be 130 miles from the fort. This river is a wide and deep stream, that rises in the Belt mountains, which here form the most eastern range of the Rocky mountains, and empties into the Missouri just below the mouth of the Judith river. It winds through a most beautiful valley of ten miles in width, the grass of which we found very high, excellent and green. This river is about forty to fifty yards wide, and between two and four feet deep, with a very rapid current; the current is much more so where we struck it than that of the Missouri itself." Page 306.

"Our journey lay up the valley of the right bank of the Muscle-Shell river. We struck one of its forks coming in from the south, upon which we moored, eight miles above its junction with the main stream. This fork or tributary, flows through a beautiful and well grassed valley, of two and a half miles in width. The stream, with a rapid current, is at present, September (18, 1853) only ten yards wide, with a gravelly bottom, well wooded to its source in the Snow mountains, the

cottonwood occurring in great abundance. Extending for a long distance on the right bank of this fork, is a bed of lignite, over twenty-five feet in thickness. From this fork our trail led over a very excellent road for twelve miles, till we struck the main stream of the Muscle-Shell, crossing in the meanwhile several prairie streamlets, that empty their waters into the Muscle-Shell. Traveling up the river four miles further, we encamped on its right bank, finding an abundance of grass, wood and water. Game, to-day, was very abundant. Buffalo in large bands, antelope, elk, geese and ducks, were seen during the day." Page 309.

Grand lines of railroad are now in operation in various parts of the world where the snows are heavier and the climate far more severe than upon this. From a point on a line with Fort Laramie, to the Pacific, nature has provided the tepid winds of the ocean, a numberless boiling springs, which make the atmosphere milder and warmer than it is eight or ten degrees further south. The road passing through no vast sage-plains or sandy deserts, but through a country everywhere propitious, everywhere inviting to either the grain-producer or the stock-raiser, whose most ungenial portions sustain animals in winter upon grass alone. It is intersected by four great navigable rivers. It abounds in beautiful lakes and streams of pure water, teeming with fish and wild fowl. When we add to the landscape grandeur of these boundless and luxuriant plains, agreeably diversified with water, wood, and hill, the prodigal yield of food for man and beast which is there promised to the settler, it would seem that in no land under the sun can the immigrant find a more charming home.

When this road strikes the Red River of the North in the neighborhood of Fort Abercrombie, it will receive the trade of that stream, which flows north into Lake Winnepeg, a body of water as large as Lake Michigan. Into the same lake falls the Saskatchewan, a magnificenl stream which drains the British Territory from the Rocky Mountains to the Great Slave Lake, and giving, with the Red River and the lake itself, a continuous navigation of over two thousand miles in length, whose outlet must be over this road and through Lake Superior. Again, when it reaches the great bend of the Missouri, about four hun-

dred miles from the west end of Lake Superior, a thousand miles of that mighty stream to the north alone, from Fort Benton to the point of crossing, immediately becomes its tributary. In short, were we to state all or half the grand facts which favor the enterprise in hand, the prodigious sum of that which is possible, and may be accomplished, would startle the imagination. Out of the territories of the United States it seeks to develope, eleven great States will be added to the Union, containing some of the richest mineral districts on the continent. Montana, Idaho, and Dakota give as yet but a bare promise of the future. While politically the British Possessions are the property of another power, commercially they are ours, if we choose to make them so; and this fact is one of stupendous importance, whether we consider their extent, their natural capabilities, or the trade they are destined to maintain. From the British line to the sources of the Mackenzie, stretches a magnificent wheat country a thousand miles in breadth; much of it open prairie, and ready for the plow.

Lake Superior projects into the far North-West several hundred miles further than any other navigable water, and at its head there will be seen a city rivaling any of those which in the ages gone by had enjoyed the commerce of the East before it. West and north-west of it the mighty area we have described, inexhaustible in its minerals and its agricultural productiveness, will pour its unimagined wealth of exchanges into and through it. With fifty bushels of wheat to the acre, as we find on the Saskatchewan, what may not be predicted of the point which, by geographical necessity, is to handle the products of a region so vast? Here will be the largest grain elevators ever seen, and that trade which has built so many flourishing cities will build another where nature has made a depot for that most extensive grain-growing country on the globe. In the Bay of Superior, at the mouth of the St. Louis, we have the largest harbor on the Lake, land-locked and perfectly sheltered. It now admits lake-boats of the heaviest tonage, and to what extent it may be artificially improved we do not know; but an appropriation for this purpose was made by the last Congress. A city, on the point of land formed by the St. Louis and the Memadji, has an elevation of thirty-four feet, and will possess

nearly forty miles of water-frontage, where vessels may discharge their freights on all the four sides of a square. The distance to St. Paul, the center of North-Western railways, is only a hundred and thirty five miles, while from Chicago it is over one hundred and forty; and when you are at Chicago you are no nearer to Europe or the Atlantic ports than when at Superior. Various roailroads are projected, or in course of construction, to connect the Upper Mississippi with the head of the lakes, and the work on the St. Paul end of the St. Paul and Superior road is rapidly progressing.

In view of the facts that we are essentially a pioneer people, that we plant and build whenever nature permits, and especially where she invites, and that we are annually re-enforced by an increasing proportion of immigrants from the northern latitudes of Europe peculiarly fitted for the settlement of the North-West, it is fair to presume that this generation will see completed what we have only faintly sketched—the commerce of Asia and Europe passing over a grand highway connecting the Atlantic and Pacific, Lake Superior and Puget's Sound, the headwaters of the Missippi, the Missouri, and the Columbia, with cities at either terminus, whose importance can only be measured by that of the trade they will control.

HYDRAULIC CAPACITY AND MANUFACTURING RESOURCES.

On all of the streams and their branches, running into the Missouri, there are more or less water falls. At Sioux Falls, the Big Sioux river falls, in a few rods, over one hundred feet; there are three perpendicular falls, one twelve, fifteen and twenty-one feet. Prof. Hayden speaking of this water power says: "The Falls of the Sioux, fall 110 feet in the distance of a half a mile and forms the finest water power I have ever seen in the West, and will some day be of immense value. Gov. Jayne speaking of this water powrer, says: "The falls on the Big Sioux furnishes a motive power sufficient to drive all the machinery of the New England mills." With this fine water power, and the great advantage which the Territory possesses for wool growing—the development of woolen manufactories promises largely for the future.

EXTRACTS *from the Report of Mr. F. V. Hayden, published in a Senate Document entitled; Explorations in Dakota Countrg in* 1855, *by Lieut. G. K. Warren.*

On page 71, he says: "The streams which flow into the Sheyenne at this point, (about 100 miles west of Fort Pierre, on the Missouri,) have their origin in perpetual springs in the Black Hills, and contain an abundance of fish, and swarms of beaver live along their banks. They are skirted with excellent timber of ash, oak, elm and box-elder, and the level plains are covered with a fine carpet of grass, which, in spring and summer, is enamelled with myriads of flowers of the richest hues. On the 9th of March, 1855, I ascended Bear Butte, and on the south side, six hundred feet above the level prairie, I found a beautiful plant, (*Anemone Patens*,) just putting forth its blossom. The Indians call it the naval flower, for they say that when it blooms young spring is born. At that time the grass was springing up quite green, and herds of antelope was quietly reposing upon the sunny sides of streams, like flocks of sheep. This is a portion of the country similar to the White river valley, well adapted for grazing purposes, and capable of sustaining a tolerably dense population.

"Three tribes of Indians on the Missouri are somewhat of an agricultural people. The Minnitares at Fort Berthold raised, in 1854, two thousand bushels of corn and beans, pumpkins in proportion. The Mandans, sixty miles below, one thousand five hundred bushels, and the Aricarees, at Fort Clark, four thousand bushels."

On page 79, Mr. Hayden says: "Probably at this time game, such as buffalo, antelope, elk, bighorn and beaver, are more abundant in the Yellow-Stone valley than in any other portion of the upper Missouri. In descending the Yellow-Stone river in 1854 for a distance of 350 miles, I do not think there was a moment in which I could not see game in great numbers."

"The antelope is the most abundant animal in the Sioux country, and confined to the open prairies. Elk are still abundant in the region of the mountains. Large herds of them are seen in the valley of the Yellow-Stone and along the Missouri above Fort Union."

THE NORTHERN PACIFIC RAILWAY.

While the Central Pacific and Union Pacific Railroad companies are pushing on their roads, both from the eastern and western points of departure, with amazing energy and success, the Northern Company has as yet done little more than enlighten the country on the comparative advantages of its route over any other. The reason is plain. The former has a large Government subsidy, a loan of United States credit, while the latter has only a simple land grant. These roads lie at all points nearly six hundred miles apart, and, for local trade, could never be rivals. If there be any jealousy between them, it is because the Northern road, on account of its shorter distances and easier grades, must eventually be the great highway of International commerce between Europe and Asia, and between Asia and our Atlantic seaboard. But we do not propose to discuss the relative prospects of the roads from any point of view. The vast importance of either to the solid and permanent growth of the Union, to its commercial prosperity and its defensive strength, is beyond any possible estimate. In the midst of the general satisfaction which hails the rapid construction of the one, we simply desire to call attention to the grand resources which the other is likely to command, to the stupendous empire in extent and in natural wealth which it is destined to develop. In the success of the latter enterprise, New York and New England have a deep interest, worthy of their most practical consideration. The commercial supremacy of the city of New York can never, of course, be disturbed, but it may be enhanced; and it seems perfectly evident that, should the trade of Asia and the great Northwest be poured into the lakes which wash the northern boundary of the State, whatever is broken in bulk, or distributed to the Atlantic States, will be drawn off to the advantage of this metropolis.

The company is authorized to build a road from the head of Lake Superior, on a line north of the forty-fifth degree of north latitude, to Puget's Sound, throwing off a branch down the Columbia Valley, to Portland, Oregon, from a point on the main line less than 300 miles from its western terminus. This is not only the shortes, route across the continent, connecting lines of water communication, but its termini are nearer, the

one to Europe, and the other to Asia, than those of any other. Seattle, at the head of Pugets Sound, is one of the finest and safest harbors on the globe, with a broad and deep channel to the ocean. In the distances to Amour, Shanghai, Canton, and Calcutta, Seattle has an average advantage of 260 miles. Beside, the prevailing winds of the Pacific compel all sailing vessels to enter the Straits of Fuca; and thus, for them, Seattle, has practically an advantage of 800 miles. Seattle is three hundred miles nearer to Chicago by the Northern route than San Francisco by the Central; or, if we compare distances to the commencement of lake navigation, at the heads of Lakes Michigan and Superior respectively, the difference is more than 700 miles in favor of the Northern route.

But is this route between termini so much nearer to each other, and so much better situated with regard to the great commercial points of both hemispheres than those of any other, entirely practicable? We no longer propound the question in doubt; nor attempt to solve it upon imperfect data. United States surveyors, explorers, travelers, and scientific men, unite so far as we are able to learn, in declaring it not only practicable, but comparatively easy and desirable. Leaving the shores of Lake Superior, it will pass for 1,010 miles, to the eastern base of the Rocky Mountains, through a fertile and beautiful country, every square mile of which will sustain a dense population, producing wheat, rye, corn, barely, potatoes, and grass of a superior quality, and in great abundance. Here the mountains are crossed at an elevation 2,500 feet less than on the Central. Even on this mountainous section, there is much fine timber and excellent wheatlands, while the grades are not more difficult than some of those on the Baltimore and Ohio. Here the mountains are so low that the miners have actually conducted the waters of the Missouri across the divide in the little ditches, through the Cascade Range, just east of the Sound, which it was feared might prove a serious obstacle. The recent accurate surveys have developed three passes, either of which is entirely feasible, and the summit of the middle or Snoqualmic Pass is but 3,000 feet above the sea. The snows on these uplands, unlikethose on the same range a few hundred miles further south, are never more than two and-

a-half feet deep. They do not fall soft and pack hard, but dry and light, presenting no difficulty to the snow-plow.

SALT.

It is generally believed that there are more or less salt springs spread over the entire northern portion of our Territory. A statistical writer of Minnesota, says: "A few years ago a supply of salt for the British settlements of the Red river was obtained from northwestern Dakota. With the imperfect apparatus employed by the half-breeds engaged in the manufacture, the springs near Lake Manitoba are said to yield one bushel of good salt to 24 gallons of brine or 33⅓ per cent, yielding same proportion of salt to brine as East Saginaw Springs, Michigan."

THE SOILS OF DAKOTA.

The prevailing soil of east Dakota is a dark calcareous sandy loam, containing a various intermixture of clay, abounding in minerals, salts, and an organic ingredient derived from the accumulation of decomposed vegetable matter for long ages of growth and decay. The earthly materials of our soil are minutely pulverized, and the soil is everywhere light, mellow and spongy; while its sandy predominence makes our soil very early. The upland soil of east Dakota can not be surpassed for fertility, and the variety and luxuriance of its vegetation. And Dr. Hayden, geologist, thus speaks of the western portion: "The numerous broad valleys in the Black Hills possess a very fertile soil, and abound in springs of pure water, and the time can not be far distant when they will be settled by a thriving population, and the vast forests of pine rendered serviceable to the wants of man."

For the productions of Dakota the reader is referred to the reports of the different counties.

THE STOCK GROWING BUSINESS.

Dakota is the finest field in the world for stock growing. It stands prominent above all other countries as the best for the production of grass. "The grasses," says Farrey, "are proverbially in perfection only in northern and cold regions. It is in the north alone that we raise animals from meadows and

are enabled to keep them fat and in good condition without grain." In none of the prairie districts of North America are the native grasses so abundant and nutritious on the plains and in the valleys of Dakota. This is sufficiently proved by the countless herds of buffalo that pasture throughout the year upon its plains, even north of the 47° parallel of latitude; a fact which suggests an equivalent capacity for the herding of domestic cattle. Horses and cattle roam during summer and winter over the prairies and through the woods, and keep fat without housing or hay. The wild grasses of Dakota are of many varieties. The blue joint of the valleys makes the best of hay, and generally yields about three tons per acre. The gramana or Buffalo grass of the upland prairies is so nutritious that horses will work all the time, that are fed on it, without any grain and keep fat. All of the wild grasses of Dakota are more nutritious than any of the tame grasses; cattle become fatter by pasturing on it. When cut, it shrinks much less in curing for hay. It seldom heats. There is no dust in the hay. Horses that eat it never have the heaves. The hay in appearance is green, and it smells much sweeter than tame hay. On the whole, it is superior either for pasturage or hay for horses, cattle or sheep. Owing to the healthiness and dryness of the climate of Dakota, sheep must do extremely well in Dakota. We have no cold sleet storms here, that are so fatal to sheep in many countries. The Indians have always kept thousands of horses in this country, but never feed them hay in winter.

A MARKET FOR DAKOTA.

And here we quote again from Lieut. Warren, who speaking of the frontier settlements on the prairies, says: "But this gives them much of the value of places along the Atlantic frontier, in view of the future settlements to be formed in the mountains, between which and the present frontier a most valuable trade would exist. The western frontier has always been looking to the east for a market, but as soon as the wave of emigration has passed over the desert portion of the plains, to which the discoveries of gold have already given an impetus that will propel it to the Rocky Mountains, then will the present frontier of Nebraska and Dakota become the starting point

of all the products of the Mississippi valley which the population of the mountains will require. We see the effects and benefits from the Santa Fe trade and the impetus given to Leavenworth by the Utah trade. The flow of products has, in the last instance been only in one direction, but when these mountains become settled as they eventually must, then there will be a reciprocant trade materially beneficial to both." This is already true, and there is at the present time at least a population of fifty thousand persons in the mountains directly west of Dakota, that depend on the country east of their borders to supply them with all the products that they need for consumption, and such is the demand that all kinds of products raised by the farmers in Dakota, including cattle and horses, are worth twenty-five per cent more in Dakota than on the Mississippi river. Some of the farmers of Dakota, the present season, although we have no large farms opened, have raised from fifteen hundred to three thousand dollars worth of crops. The rich discoveries of gold recently made in all the mountain regions on the western boundary of Dakota, will furnish a better market for years to come, then the farmers of the valley of the Mississippi have at present.

CLIMATE.

The following will show the mean temperature at the several points indicated, for six months, from Dec. 1853 to May 1854, inclusive. It is compiled from official tables contained in the first and second volumes of Pacific Railroad surveys:

Average Temperature for the months of December, January, February, March, April, May, A. D. 1853–4,

At Great Salt Lake City, 4,350 feet above sea level—46°.
Fort Benton, lat. 47° 50′, 5,662 feet above sea level—38°.
Olympia, Puget's Sound—47°.
FORT CLARK, Dakota Ter., 47° north latitude—38°.
Dubuque, Iowa—37°.
Detroit, Mich.—36°.
Lodi, New York—34°.
Amherst, Mass.—33°.
Burlington, N. J.—40°.
New York City—39°.
Philadelphia, Pa.—43°.
Pittsburg, Pa.—39°.
Lewisburg, Va.—45°.

It will be seen by the foregoing statement that at Fort Clark in Dakota Territory, latitude 47, for the six months of December, January, February, March, April, and May, it is but one degree colder than at New York City, and Pittsburg, Pa. Besides in our dry atmosphere the cold is not so intensely felt as in more moist climates. It is impossible to estimate the importance of the manifold services which this characteristic element of the climate of Dakota, the dryness of its atmosphere, tenders in the development of all organic life. Dry air is a non-conductor of heat, and as the decrease of moisture is in exact proportion to the decline of temperature the minimum of both culminating with the mid-winter nadir, the atmosphere of Dakota, even in its coldest state, is a robe of arctic furs, which holds in and stimulates the resilient fires of vital heat within the body, imparting in their reaction, a sense of elastic vigor and redundant animation. Damp air on the other hand is a conductor of heat which it insidiously steals from the softened tissues, making a comparatively slight degree of cold unendurable to the sensation. Thus the same degree of cold in Dakota is felt much less than in the Atlantic states. Colds, chills, coughs and all of the pulmonary diseases are scarcely known in Dakota.

It is owing also to the conservative influence of this dry winter's air, that sheep, cattle and horses which will scarcely survive the damp winters of even the middle States, without careful warm housing, thrive in Dakota, the season through, in the open air, without shelter in winter. The diseases which destroy the herds and flocks of moister latitudes are unknown here. Horses are equally exempt from heaves and similar affections. The winter is thus the season of hearty digestion, of rapid secretion of fat and muscular development in men and animals. This pure and dry atmosphere will make Dakota the sanatarium of consumptive invalids.

This same dry air has a great influence in preventing mildews, rust, blight and other diseases incident to wheat, which pervades most countries, but are unknown to Dakota.

Spring is much earlier in Dakota than in the same latitude east, and here I quote again from J. V. Hayden, U. S. Geologist, explorations in Dakota, in the year 1853. "March 7,

Weather fair; grass starting up fresh and green near Black Hills, ants quite active; antelopes returning to the open prairies from their winter's home in the north." "March 8, weather very fair and warm, saw common striped snake." "March 10, saw two fine plants on the south side of Bear Peak, one of them was in blossom, the other was fast coming into bloom." "The ice broke up in the Missouri river March 6th, as far as Fort Clark, latitude 46°." "April 12, various kinds of insects quite abundant; common garter snakes; American elm in full bloom." The foregoing data was taken in latitude 44°, showing how much earlier the spring is on the Missouri than on the Mississippi in the same latitude. Often all of our spring wheat is sown in March.

The writer's attention was called to the fact stated above in the spring of 1865, by several officers of Gen. Sully's staff. When this officer left Dubuque, Iowa, none of the trees were in blossom on the Mississippi. They were three days crossing the State of Iowa, and were much surprised to find the trees in full bloom on the Missouri. The buffalo grass always starts up fresh and green in March, in Dakota.

MINERALS.

In an article on the prospect of building the Pacific Railroad which is attached to the valuable report on foreign and domestic commerce issued by the Treasury Department in 1864, on page 217, we find the following:

"It is now well ascertained that the Black Hills of Dakota Territory, situated on the 44th parallel of latitude, and between the 103d and 105th meridians of longitude are rich in gold and silver as well as coal, iron, copper, and pine forests. With the pacification of the Sioux nation, and the establishment of emigrant roads, Dakota will be the scene of great mining excitement, as the gold fields of the Black Hills, are within one hundred and twenty miles of the steamboat navigation of the Missouri river, at the intersection of its channel with the forty-fifth parallel of latitude."

On the 643d page of Senate Documents, 2nd Session 35th Congress, Vol. 2, Lieut. G. K. Warren, (now Major General) U. S. Topographical Engineers, in his explarations in the Black Hills in the summer of 1857, says:

"In these mountain formations, which border the great plains on the west, are to be found beautiful flowing streams, and rich valleys covered over with fine grass for hay, and susceptible of a high state of cultivation. Fine timber for fuel and lumber, limestone and good stone for building purposes are here abundant. Gold has been found in places in valuable quantities, and without doubt the more common and useful minerals will be discovered when more minute examinations are made." In the summer of 1869, the Indians brought gold from the Black Hills.

Capt. John Mullen, U. S. A., in his report on Military Wagon roads in the Upper Missouri country, published in 1863, says in relation to western Dakota and east Montana:

"So, that now gold is profitably being taken out at the following points: At Big Hole, Beaver Head and Prickly Pear, in West Dakota (now East Montana). From the same report: "The result of Captain Reynold's explorations would show that traces of gold were found by his party in all the tributaries of the Yellowstone from the South. Enough discoveries have been made to warrant us in thinking that the entire mountain system will be found to be gold bearing." The same author speaks of sulphur being found on the Yellowstone. "And a coal oil spring exists on the Big Horn river, a tributary of the Yellowstone."

Father De Smet, an Indian Missionary, who has spent many years with wild tribes of the Northwest, asserts that the Indians have long known and concealed the localities of inexhaustible "graves" of precious metals slumbering in the remote and hidden recesses of the Black Hills of Dakota, where the white man has never intruded.

Captain Reynold's report has never been published so that the most your committee know about his discoveries, is that persons on the expedition with him say that he found gold on several of the small streams running out of the Black Hills into the Big Sheyenne.

The Black Hills of Dakota are but the continuation of the Big Horn and Snow Mountains, which are but the continuation of the Rocky Mountains. Gold has already been discovered

in the Big Horn and Snow Mountains, and in the bed of every stream taking its rise in the mountains, to-wit; Powder, Tongue, Rose Bud and Big Horn rivers, so that reasoning from analogy, gold should be found in the "Black Hills of Dakota," but we have the positive evidence of Lieut. Warren, and several others, that it actually exists there. Lieut. G. K. Warren thus describes the Geological formation of of the Black Hills of Dakota:

"I. Metamorphosed azoic rock, including granite.
II. Lower silurian (Potsdam sandstone.)
III. Devonian.
IV. Carboniferous.
V. Permain.
VI. Jurasiac.
VII. Cretaceous."

This whole geological range of rocks from the granite and metamorphosed azoic to the cretaceous formation of the surrounding plains, are developed by the upheaval of the mountain mass. Thus at the junction of the silurian rocks, gold becomes accessible, and the carboniferous strata bring coal measures within reach. The geological formation of these Hills would most certainly indicate great richness of minerals of all kinds.

The distinguished geologist, Prof. Owen, says that the Black Hills of Dakota, the silver bearing placers of the Amazon, the rich Cordilleras of Mexico, and the Himlayha range of India, have all emerged from the sea at the same geological period, and the same formation of mineral strata can be traced in each.

IRON.

There is no limit to the amount of iron ore in Dakota Territory. Prof. Gregg, of New York, who visited our Territory and Montana Territory, in the summer of 1865, after analyzing some of our iron ore, says; "That the carbonate of iron or clay iron stone, similar and equal to the English iron ore, crops out on the Missouri river from Bijou Hills to above Fort Sully, a distance of one hundred miles, and that the bed in some places is fifty feet thick and inhaustible." The writer has seen

the iron ore and fully confirms the above statement of Prof. Gregg, that in the vicinity of Fort Sully, D. T., there is no limit to iron ore. The men that accompanied Gen. Harney's Expedition to the Black Hills say that iron was found so pure that it was used by the blacksmiths of the expedition in its native state; also, the Ponca Indians have brought into the white settlements specimens of Iron from these Hills in a very pure state.

Recent discoveries show abundance of iron and coal on the Big Sheyenne river.

COAL.

Coal on the Missouri river at Fort Rice has been discovered in great abundance, some veins from ten to fifteen feet thick. The opinion of Dr. J. V. Hayden and Mr. Meek, geologist, is that the carboniferous limestone around the Black Hills belong to the true coal measures, if so, there must be an abundance of coal in that portion of Dakota. Within the last two years inexhaustible beds of coal have been discovered in western Dakota, and iron near these vast coal beds.

According to all analysis coal ought to occupy the geological interval between the limestone of Minnesota and the cretaceous formation on the Upper Missouri; and Featherstonaugh says, that the cretaceous rocks of the Missouri rest upon the carboniferous limestone of the Big Sioux. The coal formation must exist in Dakota. Prof. Owen says that the erratic specimens of coal found on the Blue Earth river, in Minnesota, have probably been brought down in the great drift movement from the concealed beds of Dakota; so that when a geological survey of the Territory shall be made, abundance of coal will be found extending over our Territory.

COAL OIL, OR PETROLEUM.

Captain Mullen, U. S. A., says: "That a coal oil spring exists on the Big Horn river." The water in many of the springs along our rivers tastes very much like water coming from the vicinity of coal oil, especially is this so of several springs on the Big Sioux.

CLAYS.

There is an abundance of clay, that will make the best of

brick, on the Big Sioux, extending to the nosed Red Pipe Stone Quarry; an abundance of white marl, that would make brick of great beauty, resembling the celebrated Milwaukee brick, only of more variable colors.

BUILDING MATERIAL.

At Sioux Falls, on the Big Sioux river, and at Fort James, on the Dahota river, there is abundance of red sandstone that makes an excellent building stone. Also plenty of good building stone near Yankton. Lieut. G. K. Warren, says of the western portion of the Territory: "Pine timber of the finest quality, in abundance, grows there, easy of access, from which the finest lumber can be made; building stone of good quality abounds." An excellent quality of limestone, as white as marble, was fouud on the Vermillion river last season where the Brookings wagon road crosses the same. There is more or less limestone on all of the streams of Dakota, and very fair building timber on most of the streams.

RIVERS OF DAKOTA.

The Missouri river extends a thousand miles through the Territory, and is navigable for steamboats the entire distance and hundreds of miles above; the river is from one-half to one-third of a mile wide, and Dr. J. V. Hayden, U. S. Geologist, says thus of it in his report of the Missouri country: "The broad bottom prairies of the Missouri, are of inexhaustible fertility, sustaining a vegetation variable in its character and of enormous growth. the upland prairies possess a soil composed of yellow marl well adapted to agriculture and grazing." This stream is well timbered almost its entire length.

The Big Sioux river is two hundred miles long; a running stream of clear water, and quite well timbered; this beautiful valley cannot be surpassed for fertility of soil and the variety and luxuriance of its vegetation; the bottom lands on this stream are from a half to three miles wide, and bare an enormous growth of blue joint grass, which makes hay of an excellent quality.

What has been said of the Big Sioux, may be said of the Dakota and Vermillion rivers, except that there is not so much timber as on the Sioux, and soil not quite as good on the Dakota

river as on the Sioux, although a very good quality, and well adapted to stock growing. As to the character and description of the other streams, we shall quote from Lieutenant Warren:

"The Big Sheyenne is a most important river, and has its extreme source west of the Black Hills, which its two main branches enclose. These forks are supplied by numerous streams from the mountains, and they unite in about longitude 103° 20′, the river flowing into the Missouri in latitude 44°48′. In its lower course I am informed there is fertile land on its banks, and there are considerable areas in and around the Black Hills. The Sheyenne river can be rafted, and the stream that comes from the Hills could be used to drive the logs, down the river." And thus the way is open to this supply of timber.

"White Earth river has generally an open well wooded valley, with fine soil and luxuriant grass. Any one who travels in Nebraska will always feel rejoiced when he reaches the banks of this beautiful stream. It is much resorted to by the Brule's. It has numerous branches, the largest of which is called the South Fork. The pine on the White river and its tributaries is nearly equal in extent to that on the Niobrara. This stream has been used by traders to boat down their furs. I believe it can also be used to raft down the pine timber on its banks and branches." Lieut. Warren speaks very favorably of the Niobrara river, which is partly in our Territory, that there is considerable pine timber on its banks and branches, and much good land and excellent water.

The Red River of the North, rises in Lake Travers, and flows north 380 miles to the British Possessions, is a navigable stream its entire distance, well wooded and a soil unsurpassed in fertility. There are a number of other small streams, some of which have abundance of timber and a good soil and clear running water. There are quite a number of lakes in East Dakota remarkable for their beauty, and with their sylvan associations form the prominent charm of its rural landscape. There is an abundance of timber on some of these lakes surrounded with a good soil, water, and plenty of fish in the

same. All the streams of Dakota abound in delicious fish of many varieties.

CONCLUSION.

In conclusion, your committee have not thought it out of the line of their instructions to say a few words in relation to the prospects of Dakota for the emigrant. Dakota is new and recently organized and consequently very sparsely settled in the southern portion. Most of the land is yet in possession of the general government, and under the Homestead law can be had for ten cents per acre, so that he who desires a home can get it in Dakota, and hold it against the merciless creditor, for the homestead law of our Territory protects a man against his creditors to the amount of three thousand dollars. Here is a place for him to rebuild his fortune again; here there need be no poor or destitute, for all that will work there is abundance; here is a land yielding bountifully, open to all nations, where all may enjoy the blessings of a home.

"Dakota Territory occupies the most elevated section of country between the Artic Ocean and the Gulf of Mexico; forming to a great extent the water shed of the two great basins of North America—the Missouri and Mississippi rivers and the tributaries of Hudson Bay. Thus within the limits of Dakota are found the sources of rivers running diametrically opposite; those flowing northward reaches a region of eternal ice, while those flowing southward pass from the haunts of the grizzly bear and the region of wild rice, through the cotton fields and the sugar plantations of the Southernor, until their waters are mingled with the blue waves of the Gulf.

The general surface of the country east and north of the Missouri is a beautiful, rich, undulating prairie, free from marsh, swamp, or slough; traversed by many streams and dotted over with innumerable lakes of various sizes, whose wooded margins and rocky shores and gravel bottoms afford the settler the purest of water, and give to the scenery of the Territory much of its interest and fascination. West of the Missouri the country is more rolling, and gradually becomes broken, hilly and finally mountainous, as the western limits are reached and terminated by the Rocky Mountains.

The mighty Missouri runs through the very heart of our Territory, and gives us more than one thousand miles of navigable water course, thus giving us the facility of cheap water transportation, by means of which we can bear away the surplus products of our rich, luxuriant lands to the southern markets, and receive in exchange the trade and commerce of all climes and lands.

We have, located on the Missouri, Big Sioux, Red River of the North, Vermillion, Dakota, Niobrara, millions and millions of acres of the richest and most productive lands to be found anywhere within the bounds of the National Government.

We have combined the pleasant, salubrious climate of southern Minnesota and the fertility of central Illinois.

The incentive to immigration is so great, and the inducements and advantages so promising, that it is no idle fancy which pictures the towns and cities which are soon to cover and enrich our hills and valleys and river sides. In arriving at a correct estimate of the probable settlement of our Territory, it is well to bear in mind some very favorable facts, which promise much in the development of our resources and increase of our population. Thermal statistics and experiments prove that within the limits of our Territory are to be found both the climate and soil necessary to produce most successfully the two great staples of American agriculture—corn and wheat. We find that, starting from Chicago as a point, that the isothermal line rises to a higher and higher degree of latitude as you go westward.

We find that Fort Benton on the Missouri river, in latitude 47° 50′, possesses the same mean temperature of Chicago and Albany, N. Y.

The corn producing belt of country which runs through Ohio, Indiana and Illinois, extends north and west through Iowa, up the valley of the Missouri, through Dakota. According to Blodgett, the author of a very able and interesting work on the climatology of the United States, the thermal capacity required for the successful cultivation of Indian corn is a mean temperature of 67° for July, and it may go a little beyond 65 for the summer. According to the same authority,

the thermal capacity required for the successful cultivation of wheat is a mean temperature of from 62 to 65 degrees, during the ripening months. Statistics prove that our Territory possesses a considerable excess of the temperature required, being beyond seventy. The capacity of our Territory for raising immense herds of cattle, and for the production of large crops of corn, wheat, oats, rye, barley, buckwheat, potatoes, sorghum, melons, fruits and vegetables, demonstrate the ability of our country to sustain a dense population.

Shall not we judge of the future by the past. As regards soil, climate, beautiful uplands, rich prairies, luxuriant bottoms, productive mountain valleys, mineral wealth, navigable rivers upon which to float our cereal products and commercial exchanges, what section of the country within the broad confines of our Republic, is fairer, or lovelier, or richer, or more inviting, as the home of the active, intelligent and industrious citizen; before a generation shall have passed more than a million of people will be living in the valley of the Missouri alone. Pacific railroads will have been completed connecting the two oceans with its iron bands. And here we quote from an able report on Foreign and Domestic commerce published in 1864 by the U. S. Treasurer, on railroads to the Pacific, in speaking of the Northern or Lake route. "The latitude of 45° north extending west of Minnesota is not only central to the lake coast and the railroads of northern Illinois and Iowa, Wisconsin and Minnesota, but in its traverse of the great plains and the Rocky Mountains, it is most accessible from the mining districts now developed or soon to be occupied in the Territories of Dakota, Montana and Idaho. Other conditions being favorable, the future emigrant route will follow the parallel of 45° and when population warrants, that will be the general direction of the northern or lake railroad route." The same writer predicts that this road will be needed and built in a very few years. Since the foregoing article was written, richer gold discoveries have been made along the proposed line of this route, than any person ever dreamed of. This line passes through the heart of Dakota. "The trade with India and Japan, the commerce of the opulent and gorgeous East, will pass through our borders, on its way to the

great cities of the Atlantic. By the transit of a world's commerce over a thousand miles of our Territory, we will derive incalculable benefit. The experience of six thousand years, and the verification of all history is pointed and conclusive that activity, prosperity and opulence are inseparably connected with the great line of intercouse between nations.

Along the great highways of the world, where pass and repass the goods, wares, merchandise; the products, the commodities and wealth of nations, there towns and cities spring up, manufactories are established, and all the industrial arts are quickened and encouraged, and from these centers ramify and extend rivulets of business and avenues of wealth.

Dakota possesses within itself all the elements which are necessary to constitute a great, prosperous and powerful State. Our rich alluvial lands will produce the corn, and the broad prairies the nutritious grasses, which are ample to feed and support cattle to supply every market in the Union.

The salt lakes in the northern part of the Territory can furnish inexhaustible supplies of the best salt.

The high, rolling prairies south and west of the Missouri seems especially intended for the herding of sheep and the growth of wool.

The falls on the Big Sioux furnish a motive power sufficient to drive all the machinery of the New England mills.

The Black Hills and the mountain ranges at the sources of the Wind river, Yellowstone and Missouri are rich beyond conception in mineral resources of coal, copper, iron and gold.

With all the elements of power surrounding us—we need but numbers, combined with industry, intelligence and virtue, to make Dakota one of the most desirable and potent States of the government.

Our legislature has wisely exempted all property invested in woollen manufactories for a period of ten years, cotton manufactories twenty years, and one half of all others five years, sheep are also exempt a certain number of years from taxation.

In the course of two or three years, several towns are to spring up on the Misouri river within the Territory of Dakota, and between the mouth of the Big Sioux river and the mouth

of the Big Sheyenne river, that will vie with Omaha, Nebraska City, and Leavenworth for the overland trade to Montana, Idaho and the northern Pacific States. These new towns will have the advantage of several hundred miles in distance, over Omaha, Nebraska City and Leavenworth. The thousand miles of country between St. Louis and Fort Sully, Dakota, must soon be supplied with pine lumber from the several millions of acres of pine land of the Black Hills of Dakota, via the White Earth and Big Sheyenne rivers; and we look to see the prediction of J. W. Taylor, fulfilled, before many years, who says: "Even if there were no proofs of gold, silver, iron and copper, in the gulches of the Black Hills, the demand for pine lumber in the valleys of the Lower Missouri, will send armed parties into the forests which darken the flanks of the mountains. Give Dakota the supply of pine timber, to the towns and plains below, and a greater accumulation of wealth, a greater stimulant of agriculture and commerce are assured to the pioneers of this Territory than if the Black Hills proved as auriferous as California."

REPORT OF THE CHIEF ENGINEER OF THE D. & N. W. R. R., OF PRELIMINARY SURVEY OF THE ROAD FROM BIG SIOUX RIVER TO YANKTON.

VERMILLION, D. T., Jan. 6, 1868.

To the Stockholders of the Dakota & Northwestern Railroad Company:

GENTLEMEN:—I herewith submit a report accompanied by a profile of a preliminary survey of the Dakota & Northwestern Railroad made by direction of a meeting of the incorporators assembled at the office of the Surveyor General of Dakota Territory, on the 25th day of October, 1867.

The initial point of this survey is at the intersection of the line dividing Lots No. 1 and No. 2 of section No. 14, township No. 89 north of range 48 west, with the Big Sioux River in Union County, Dakota Territory, distant from Sioux City, Iowa, five miles, thence in a right line to a point on the south line of Lot 2 of the N. W. ¼ section 19, township 91, range 49 west, at a distance of 57 rods from the S. E. corner of said

Lot. This point is in the town of Elk Point. This town is the county seat of Union county; is situated in a rich agricultural district immediately adjacent to an extensive body of good timber. On the line of the river at this point is a good steam saw-mill. Distance from Elk Point to the initial point on the Big Sioux 14 7-10 miles from the point in the town of Elk Point; the line of survey is a right line to a point on the west line of township 92, north range 50 west, at a distance of 70 rods from the S. W. corner of said township. This point is seven two-tenths miles from Elk Point and one-half mile from a good steamboat landing at Green point; here is a large body of excellent timber on both sides of the Missouri River. From this point the survey extends in a right line to a point on the west line of section 19, township 92 of range 51 west, at a point five rods north of the quarter stake on the west side of said section thence north seventy degrees west, 112 rods to a point in the town of Vermillion. This town, the county seat of Clay county, is situated on the Missouri River; has a good steamboat landing with an abundance of good timber lying within one mile of the town. There is a good steam saw-mill at this point. This town is finely situated on the Missouri River, and is rapidly improving, being centrally located in the county, and has already a large trade which is rapidly increasing. From said last mentioned point in the town of Vermillion, the survey extends as follows: North 84 west, 364 rods to a point on the side of the bluff on the east side of the Vermillion River, thence south 84 west, 26 rods to the east bank of the Vermillion River, thence on said course 22 rods to the west bank of said river, thence on said course 154 rods 15 links to a point on the south side of the Government wagon road, thence on right line to the N. W. corner of section 17, township 93, range 54 west, thence in a right line to a point 80 rods south of the N. W. corner of section 17, township 93, north of range 56 west, thence in a right line to the quarter post on the west line of section 18, township 93, north of range 56 west, in the town of Yankton, D. T. The distance from the Big Sioux River to Yankton, on the line of this survey is 54 and four-tenth miles. This line passes the entire length through one of the richest agricultural portions of Da-

kota, a section of country rapidly settling up. The soil is a rich alluvial deposit, easy of cultivation, producing abundant crops of all the cereals and all kinds of vegetables. This section of country is peculiarly adapted to the raising of stock. There is an abundance of good timber on the south side of the line of this survey at a distance on an average of two and one-half miles. In the bluffs on the north side of the line, at short intervals are beds of limestone and hard boulders suitable for the building of culverts, foundations for buildings, &c. The town of Yankton, the Capitol of Dakota Territory, the termination of this survey, is situated on the north bank of the Missouri River on a high level plateau, with a permanent steamboat landing; this is the largest town in Dakota, in the Missouri valley; it has already a large and rapidly increasing trade; it is the depot of supplies for an extensive trade for hundreds of miles above on the Missouri River, and now contains over a thousand inhabitants, As a natural point for a large city in the Upper Missouri, it is surpassed in natural advantages by no other location.

The road bed will require an elevation on an average throughout of not more than three feet and one-half. There is an abundance of gravel and hard loam at Vermillion and Yankton for grading purposes, and throughout the entire route there is a vast supply of timber on the south side of the line. There are only two bridges on the entire line to be built; one over the Vermillion, the other over the James River; the construction of these bridges is not difficult or expensive. The vast trade of the Upper Missouri River demands an early completion of this road, not only to Yankton, but to the mouth of the Big Sheyenne, and westward until its western terminus shall be the shore of the Pacific. As the Platte valley is a natural throughfare to the Pacific on our south, so the Missouri valley is a natural and practicable Central route for a railroad to the Pacific, passing through the rich mineral and agricultural regions of the Black Hills and Montana Territory. The interests of the people of the whole country and the general Government demand the earliest possible completion of a railroad across the Continent by way of the Valley of the Missouri River.

GEO. STICKNEY,
Chief Engineer.

REPORT OF CHIEF ENGINEER OF MINNESOTA & MISSOURI RIVER RAILROAD, ON PRELIMINARY SURVEY OF THE ROUTE FROM YANKTON, CAPITOL OF DAKOTA, TO THE WEST BOUNDARY OF THE STATE OF MINNESOTA.

YANKTON, D. T., Jan. 7, 1868.

To the Directors of the Minnesota & Missouri River Railroad Company:

GENTLEMEN:—I herewith submit report of the Preliminary Survey of the route of the Minnesota & Missouri River Railroad, from Yankton to the west boundary of Minnesota, made by direction of a meeting of the Incorporators assembled in the office of the Secretary of the Territory on the 26th day of February last.

The remaining members of the committee appointed with myself for the purpose of making a preliminary examination and survey of the route and country, not being able to attend to that duty in the early part of the season, I commenced on the 18th day of July last to make such preliminary survey and examination.

I began in the village of Yankton, at the corner of sections 7, 12, 13, and 18, on line between ranges 55 and 56 west, township 93 north, at which point I planted an initial station post, marked M. & M. R. R. R., and run thence S. 30° E. along the foot of the bluff to the west side of Capital Street, in the town of Yankton, thence S. 80° E. 15 chains and 85 links to station post No. 3, marked "M. M. R. R. R.;" thence N. 52¼° East, 3 miles and 47 chains to the east bank of James river, near the public ferry, at which point I marked a cottonwood tree 20 inches in diameter with cut letters "M. M. R. R. R," for Station No. 4, 5 chains east of ¼ post between sections 3 and 33; thence in a right line to the corner to sections 3, 4, 9 and 10, T. 94 N., R. 54, W. Station No. 5, on Clay Creek, distance seven miles 60 chains, thence in a right line to the corner to sections 23, 24, 25, and 26, in Town 95 N. R. 54 W. Station No. 6, on Turkey Creek, distance three miles 20 chains, thence in a right line to the corner to sections 13, 14, 23, and 24, in T. 97 N. R. 52 W. Station No. 7, on Vermillion River, distance 17 miles, 13 chains.

Thence in a right line to the corner to sections 27, 28, 33,

ond 34, T. 10, N. R. 49 W. on the Big Sioux River, Station No. 8—distance 24 miles, 11 chains.

Thence along the right and on bank of said river to the town of Sioux Falls, Station No. 9, marked "M. & M. R. R. R.;" distance 3 miles 71 chains.

Thence along north bank of said river to line between townships 101 and 102, N. R. 48 W., Station No. 10, distance 4 miles 14 chains.

Thence in a right line to the corner to sections 23, 24, 25 and 26, Station No. 11, on the Split Rock River, in T. 102 N. Range N. 48 W., distance five miles and two chains.

Thence in a right line to the N. E. corner T. 102, R. 47, W. on the west boundary of the State of Minnesota, at Station No. 12, distance 6 miles and 12 links.

The line here unites with the route of the Southern Minnesota Railroad, which already has its connections by rail with the Pine regions of Minnesota and Wisconsin, and with the La Crosse and Milwaukee Road to Chicago. Whole distance 75 miles, 11 chains and 97 links. A large map has been filed with the Public Lands Committee in Congress, showing the topography of the entire route, water stations, stone quarries, timber and prairie for a distance of five miles, on each side of the surveyed line of road. A smaller map is herewith presented showing the general direction of the road, and the crossings of the several streams.

An abundant supply of timber for railroad ties is found immediately along the route on Clay and Turkey creeks, the Vermillion, Sioux, and Split Rock rivers, with an inexhaustible quantity of quarry stone on the last two streams suitable for building, culverts, piers, road beds and machine shops. The country lying along and adjacent to the whole road, is fertile and well watered, stations of wood and water being in no place over 12 miles apart. The country is admirably adapted to grazing and the raising of wheat, and settlements, during the past season, have advanced along the line of road, as far as Turkey Creek, some 15 miles from Yankton. A thriving settlement of farmers is also found in the vicinity of Sioux Falls, many of whom have settled there within the last season, from the State of Minnesota.

Sioux Falls affords one of the best water powers in the whole west, being a continuous chain of cascades extending one half mile down the Sioux River.

In closing this report, I desire to remind the directors of this company, that by an act of Congress approved July 4th, 1866, there was granted to the State of Minnesota a strip of land 10 miles wide throughout the entire State for the purpose of building the line of road with which this Dakota road connects about 13 miles beyond Sioux Falls, and that immediate steps should be taken to procure a similar grant of lands to aid in the extension of a continuous line of rail to the Missouri over the Minnesota & Missouri River Railroad, as projected by this company.

The road will furnish short and direct communication between the great pine regions of Minnesota, Wisconsin, and Michigan and the already vast and growing trade of the Upper Missouri River.

All of which is respectfully submitted.

M. K. ARMSTRONG,
Acting Engineer.

To the Stockholders and Directors of the Yankton & Columbus Railroad Company:

YANKTON, D. T., Dec. 25, 1868.

GENTLEMEN:—Having been selected to make a preliminary survey of a route for the proposed railroad from Yankton, Dakota Territory, to Columbus, Nebraska, I have the honor to submit this brief and somewhat imperfect report of said survey, which will be more readily understood by reference to the accompanying map and diagram.

Columbus, in Nebraska, through which the great U. P. R. R. now runs, is situated about half a mile from the north bank of the south fork, a tributary of the Platte, and one or two miles above its confluence with that river, and is distant from Yankton, D. T., ninety-nine miles, in an almost due southerly direction, and as indicated on the accompanying map as the proposed railway, is one hundred and seven and three-fourth miles.

Probably a somewhat shorter route, equally feasible, might be found; but owing to the extreme inclemency of the weather at the time the survey was necessarily made, it was almost impossible to make such extensive examinations of the country adjacent to the route selected, as would be desirable.

Making a point on the Missouri River, in Nebraska, opposite Yankton, Dakota Territory, as the intial point of survey, I commenced by running the line in a southerly direction across the Missouri bottom, three and one-half miles; thence up a very gradual raise, until we struck the head of a branch of Antelope Creek, six miles beyond, the entire country traversed, being rich, fertile lands, much of which are already occupied by actual settlers and under a good state of cultivation.

From Antelope to Bow Creek, a distance of six and one-fourth miles, is a divide of rolling lands—the greatest elevation of which does not however exceed one hundred feet. The Bow, at this point, is only a small stream, being but a branch of the main river bearing that name, and has a narrow, though rich and fertile valley.

From this point on Bow Creek, to where we crossed the east branch of the north fork of the Elk Horn, thirteen and one-half miles, we went over a series of rolling hills, which constitutes the divide between these two streams but in no place did we attain an altitude of more than from one to two hundred feet.

Passing down the beautiful valley of the north fork of the Elk Horn, to its confluence with the main river, a distance of thirty-six and three-fourth miles, we find a very gentle descent, so gradual and uniform as to be almost imperceptible.

This valley which is being rapidly settled up, is about three miles in width, and is one of the most delightful, as well as fertile, that can any where be found. We were told by some of the residents (who are mostly German) that 25,000 bushels of wheat and other crops in proportion, were raised in this valley the past year. Many fine mill sites are to be found on the north fork of the Elk Horn, which must ultimately prove of incalculable value to that rich, though yet only partially developed section of country.

The Elk Horn is only one hundred and sixty-eight feet wide, is easily bridged, and offers no objection to construction of a road.

Over the route we passed, we found the valley of the Elk Horn nine miles in width, with a gentle and uniform raise as we left that river, and from this valley to Union Creek, undulating prairie. This latter named creek is a small stream of pure water, doubtless fed by springs.

Stretching from the narrow valleys of Union Creek to Shell Creek, fifteen miles, is a beautiful plateau; the elevation of which, at any given point, does not exceed one hundred feet.

The valleys of Union and Shell creeks, are extremely rich and fertile, and already contain quite a population of hardy pioneers, who are mostly engaged in agricultural pursuits. There are many farms on these streams of over one hundred acres each.

Shell Creek is distant from Columbus only seven miles, and the intermediate country is rolling prairie.

The whole route from Yankton to Columbus, is an entirely feasible one, no tunnelling, extensive excavation or filling up will be requisite. A greater part of the route lies along the valleys of rivers, and will require little or no grading whatever.

The whole road can be built at a very moderate expense, as in addition to the facts just given, much of the material for the construction of the road can be procured along the line of the proposed route.

It would be almost superfluous to add, that the road when constructed can not fail to be highly remunerative, as in addition to its location and importance, in a commercial point of view, it would tap the rich valleys along almost its entire course, which are yet destined to be the great granaries of Nebraska and the West.

Columbus, the southern terminus of the proposed road, formerly a little trading town on the great overland route to California, alive to the benefits which must accrue to itself, and the whole country, by the construction of this road through the enterprise of its active business men, now joins in seeking to connect itself by this road to Yankton, on the Missouri River,

where it is confidently expected, will ere long be established the terminus on the Missouri, of a road from St. Paul, Minnesota; thus forming one continuous route from the latter place, through the Capital of Dakota to Columbus, Nebraska.

In conclusion, I only regret that the extreme cold weather of December should have precluded me from examining the country of Nebraska, contiguous to the proposed line, more thoroughly, with the view of becoming more familiar with its geography and topography.

I have the honor to be,
Very respectfully,
CARL C. P. MEYER,
Civil Engineer.

On motion of Mr. Brookings,

(4,000) Four thousand copies ordered printed for the use of the members of the Legislature.

Mr. Rossteuscher, from committee on enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled bills ask leave to report that they have examined council bill No. 28, entitled "An act to regulate the fees of certain officers;" also

Council Bill No. 18, entitled "An act relative to county commissioners and county clerks;" also

Council Bill No. 41, entitled "Joint resolution for an appropriation for the enrolling clerks," and find them correctly enrolled. They have also examined council bill No. 40, and find it correctly engrossed.

CHAS. F. ROSSTEUSCHER,
Chairman.

Mr. Brookings called up house file No. 57, A bill for an act to provide for the registration of the voters of this Territory, and

On motion of Mr. Brookings,

Was made the special order of to-day at 12 o'clock M.

Mr. Kellogg, from select committee, submitted the following report:

MR. PRESIDENT:—Your select committee to whom was re-

ferred council bill No. 39, ask leave to report the bill back without recommendation.

GEO. W. KELLOGG,
Chairman.

Council bill No. 39, an act to repeal certain acts of the legislature of Dakota,

Was then taken up, and

Read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

Mr. Kellogg voting in the negative.

So the bill passed, and

Its title was agreed to.

On motion of Mr. Wood,

The council took a recess of 15 minutes.

Council called to order.

Mr. Rossteuscher, from committee on enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled bills, ask leave to report that they have this day, 14th of January, at 11 o'clock A. M., handed to His Excellency, the Governor, for his approval council bill No. 18, "An act relative to county commissioner and county clerks;" also

Council bill No. 28, An act to regulate the fees of certain officers;" also

Council bill No. 41, Joint resolution for an appropriation for the enrolling clerks.

CHAS. F. ROSSTEUSCHER,
Chairman.

Mr. Kellogg moved that further action on house file No. 57, be indefinitely postponed.

Ayes and noes being called and ordered, the vote stood,

Ayes 9; noes 4, as follows:

Those who voted in the affirmative, were

Messrs. Austin, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, Wood and Mr. President.

Those voting in the negative, were

Messrs. Benedict, Brookings, McIntyre and Rossteuscher.

So the bill was indefinitely postponed.

Mr. Brookings called up the motion to reconsider the vote by which council bill No. 29, A bill to relocate the penitentiary,

Was lost on passage.

The ayes and noes being called and ordered, the vote stood as follows:

Ayes 6; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Benedict, Brookings, Green, McIntyre, Rossteuscher and Mr. President.

Those voting in the negative, were

Messrs. Fraley, Lewis and Wood.

Not voting,

Messrs. Austin, Carpenter, Hampton and Kellogg.

So the vote was reconsidered.

The question now being on the passage of council bill No. 29, and it being put. "shall the bill pass?"

It was decided in the affirmative.

Ayes 6; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Benedict, Brookings, Green, McIntyre, Rossteuscher and Mr. President.

Those voting in the negative, were

Messrs. Fraley, Hampton, Lewis and Wood.

Not voting,

Messrs. Austin, Carpenter and Kellogg.

So the bill passed, and

Its title was agreed to.

On motion of Mr. Lewis,

The council took a recess of 10 minutes.

Council called to order.

Mr. Brookings called up house file No. 28, A bill for an act to confer upon women the elective franchise and eligibility to office.

Mr. Brookings moved a "call of the house."

Which motion prevailed.

Mr. Kellogg absent.

The sergeant-at-arms was instructed to bring the absent member before the house,

Which duty having been performed,

On motion of Mr. Brookings,

Further "call of the house" was dispensed with.

Mr. Brookings moved to insist on council amendments to house file No. 28.

Mr. Austin moved that the council do secede from council amendment to house file No. 28.

Mr. Brookings moved to lay the motion to secede on the table,

Which motion prevailed.

The question now being on the motion to insist.

Which motion prevailed.

On motion of Mr. Brookings,

The council took a recess of 15 minutes.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Thursday, Jan. 14th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house has this day passed the following council bills, to-wit:

Council bill No. 42, entitled A memorial to the Congress of the United States, asking for the establishment of a wagon road from Yankton via Canton, D. T., to Spirit Lake, Iowa;

Council bill No. 43, entitled A bill to attach all the portion of Dakota, not included in any other judicial district to the second district for judicial purposes;

Council bill No. 44, entitled A joint resolution making an appropriation to pay for publishing an act entitled an act concerning revenue; also

Council bill No. 32, entitled A bill for an act to protect the citizens of Dakota Territory, and elevate the standing of the medical profession, which bills are herewith returned.

I am also instructed to inform the council that the house has this day passed house file No. 58, entitled A bill for an act fixing the time for the Territorial Auditor, and Territorial Treasurer to make their annual reports; also

House file No. 59, A memorial and joint resolution to the Hon. Secretary of the Interior, asking relief for certain destitute Indians.

Which bills are herewith transmitted and the concurrence of the council respectfully requested therein.

I am also instructed to inform the council that the house has this day agreed to council substitute to house file No. 55, entitled A bill for an act authorizing the city of Cheyenne to fund its floating debt.

GEO. I. FOSTER,
Chief Clerk.

Mr. Brookings called up house file No. 59, A memorial and joint resolution to the Secretary of the Interior, asking relief for certain destitute Indians.

Read first and second time,

On motion of Mr. Brookings,

The rules were suspended, and

Bill read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 12; noes 1, as follows:

Those voting in the affirmative were,

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Lewis, McIntyre, Rossteuscher, Wood and Mr. President.

Mr. Kellogg, voted in the negative,

So the bill passed, and

Its title was agreed to.

House file No. 58, A bill for an act fixing the time for the Territorial Auditor, and Territorial Treasurer to qualify and make their annual reports.

Was then taken up, and

Read a first and second time, and

On motion of Mr. Brookings,

The rules were suspended, and

Bill read a third time.

The question now being on its passage and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 12; noes none, as follows:

Those voting in the affirmative were,

Messrs. Austin, Benedict, Brookings, Carpenter, Fraley, Green, Hampton, Kellogg, Lewis, McIntyre, Wood, and Mr. President.

So the bill passed, and

Its tittle was agreed to.

Mr. Brookings moved the standing rules be so amended as to read 10 o'clock a. m., instead of 10½ o'clock a. m.

Which motion prevailed.

On motion of Mr. Brookings,

Council adjourned.

Approved:

N. J. WALLACE,
President.

Attest:

A. F. SHAW,
Secretary.

FORTIETH DAY.

COUNCIL CHAMBER,
Friday, Jan. 15th, 1869.

Council met pursuant to adjournment, and was called to order by

The president in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

On motion of Mr. Brookings,

Reading of yesterday's journal was dispensed with.

Mr. Brookings moved the council do now adjourn "sine die."

Which motion did not prevail.

On motion of Mr. McIntyre,

Council took a recess of 15 minutes.

Council called to order.

The following communication from His Excellency, the Governor, was then read:

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 14, 1869.

Hon. N. J. Wallace, President of the Council:

SIR:—I have the honor to return herewith council bill No. 18, entitled "An act relative to county commissioners and county clerks;" also council bill No. 28, entitled "An act to regulate the fees of certain officers;" also council bill No. 41, entitled "Joint resolution for an appropriation for the enrolling clerks;" which I have approved and signed.

I have the honor to be,
Your Ob't. Servant,
A. J. FAULK,
Governor.

Mr. Rossteuscher, from committee on enrollment, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled bills beg leave to report that they have examined council bill No. 43, "An act to attach all that portion of Dakota, not included in any other judicial district to the second district for judicial purposes;" also

Council bill No. 44, "A joint resolution making an appropriation to pay for publishing an act entitled an act concerning revenue;" also

Council bill No. 42, "A memorial to the Congress of the United States, asking for the establishment of a wagon road from Yankton via Canton, D. T., to Spirit Lake, Iowa;" also

Council bill No. 32, "An act to protect the citizens of Dakota Territory, and elevate the standing of the medical profession," and find them correctly enrolled.

CHAS. F. ROSSTEUSCHER,
Chairman.

Mr. Brookings, by unanimous leave, introduced council bill No. 45, A bill to constitute the counties of Lincoln, Minnehaha, Brookings, Deuel, Todd and Gregory, in the same representative district.

Read first and second time, and

On motion of Mr. Kellogg,

Rules were suspended, and

Bill read a third time.

The question now being on its passage, and it being put, "shall the bill pass?"

It was pecided in the affirmative.

Ayes 10; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Austin, Benedict, Brookings, Carpenter, Green, Hampton, Kellogg, McIntyre, Rossteuscher and Mr. President.

Those voting in the negative, were

Messrs. Fraley, Lewis and Wood.

So the bill passed, and

Its title was agreed to.

Mr. Rossteuscher, from committee on enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrrolled bills, beg leave to report that they have this day at 10½ o'clock handed to His Excellency, the Governor, for his approval, council bill No. 36, entitled "An act to provide for the payment of certain Territorial warrants;" also

Council bill No. 38, entitled "Joint resolution vacating the lower Territorial road from Yankton to James River;" also

Council bill No. 40, entitled "An act authorizing the county commissioners of Union county, Dakota Territory, to keep in repair the west half of the military bridge across the Big Sioux River;" also

Council bill No. 32, entitled "An act to protect the citizens of Dakota Territory, and elevate the standing of the medical profession;" also

Council bill No. 43, entitled "An act to attach all that portion of Dakota not included in any other judicial district to the second district for judicial purposes;" also

Council bill No. 44, entitled "A joint resolution making an appropriation to pay for publishing an act entitled an act concerning revenue."

Mr. Wood moved the council do now adjourn.

Mr. Brookings moved to lay the motion to adjourn on the table

Which motion prevailed.

And the motion to adjourn was laid an the table.

Mr. McIntyre submitted the following resolution:

Resolved, That the promptness, impartiality and ability with which the president of the council has discharged the duties of presiding officer during the present session, facilitating the despatch of business and preserving harmony in the deliberations of the council—merits our thanks—while the uniform

courtesy of his official and private intercourse has secured for him our warmest personal regard.

C. H. McINTYRE.

Which resolution prevailed.

Mr. McIntyre submitted the following resolution:

Resolved, That the thanks of the council are hereby tendered to A. F. Shaw, Secretary, W. S. Smith, Assistant Secretary, Adolph Mauxsch, Enrolling Clerk, Iver Bagstadt, Sergeant, T. J. Edwards, Fireman, P. M. Hoisington, Messenger, and Rev. M. Hoyt, Chaplain, for the able and faithful manner in which they have discharged their respective duties, and we tender them our best wishes for their future prosperity.

C H. McINTYRE.

On motion of Mr. Wood,

The resolution was adopted.

On motion of Mr. Kellogg,

The council took a recess of 15 minutes.

Council called to order.

On motion of Mr. Brookings,

The council resolved itself into the committee of the whole on the Governor's Message and Territory of Dakota generally.

Committee of the whole arose.

Mr. McIntyre submitted the following resolution:

Resolved, That a committee of three be appointed by the President, to wait upon His Excellency, the Governor, and inquire if he has any further communications to make to this council.

C. H. McINTYRE.

Which resolution prevailed, and

Messrs. McIntyre, Kellogg and Austin, were appointed such committee.

The following communication received from His Excellency, the Governor, was then read:

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 15, 1869.

Hon. N. J. Wallace, President of the Council:

SIR:—I have the honor to return herewith, a bill entitled "An act to attach certain parts of the Territory of Dakota to the second judicial district, for judicial purposes." Also, a bill entitled "An act to protect the citizens of Dakota Territory, and elevate the standing of the medical profession." Also, "A joint resolution to pay for publishing an act, entitled an act concerning revenue." Also, "A memorial to the Congress of the United States, asking for the establishment of a wagon road from Yankton via Canton, D. T., to Spirit Lake, Iowa." Also, "Joint resolution vacating the lower Territorial Road from Yankton to James river." Also, "An act author-

izing the board of county commissioners of Union county, Dakota Territory, to keep in repair the west half of the military bridge across the Big Sioux river." Also, "An act to provide for the payment of certain Territorial warrants."

Which I have approved and signed.

I have the honor to be,
Your Ob'dt. Servant,
A. J. FAULK,
Governor.

On motion of Mr. Carpenter,

Council took a recess of 15 minutes.

Council called to order.

On motion of Mr. Brookings,

A committee of three consisting of Messrs. Brookings, Hampton and Wood, were appointed to wait upon the house of representatives, and inform that body that the council would adjourn at 2 o'clock p. m.

The committee to wait upon His Excellency, the Governor, submitted the following report:

MR. PRESIDENT:—Your committee of three, appointed to wait upon His Excellency, the Governor, to ascertain if he has further comments to make to the council, would report that they have performed that duty and that His Excellency has no further comments to make. C. H. McINTYRE,
Chairman.

The following communication from the house was then read:

HOUSE OF REPRESENTATIVES,
Friday, January 15th, 1869.

MR. PRESIDENT:—I am instructed to inform the council that the house has adopted a resolution to adjourn *sine die* this day at 2 o'clock p. m.

GEO. I. FOSTER,
Chief Clerk.

The hour having arrived, the President adjourned the council, *sine die.*

Approved:
N. J. WALLACE,
President.

Attest:
A. F. SHAW,
Secretary.

GENERAL INDEX.

AUSTIN, H. J.
nominated for president, 4.
appointed on committee, 4, 8, 11, 111, 114, 223.
presented credentials, 7.
presented resolutions, 24.
motions made by, 29, 32, 41, 44, 75, 86, 96, 109, 130, 138, 146, 161, 163, 167, 218.
called to chair, 31, 32, 50, 110.
presented petitions, 72.
submitted reports, 96, 154.

BAGSTADT, IVER
nominated and elected sergeant-at-arms, 6.

BARTLETT, HON. ARA
administered oath, 3, 5, 6.

BENEDICT, W. W.
presented a petition, 7.
notice of bills, 25, 95, 139.
presented resolutions, 25, 27.
appointed on committees, 28, 112.
motions made by, 29, 62, 66, 68, 93, 123, 137, 160.
excused from attendance, 39.
introduced bills and memorials, 44, 51, 112, 118, 148.
submitted reports, 62, 83, 120.

BROOKINGS, W. W.
nominated and elected president, 4.
address to the council, 4.
notices of bills, 29, 37, 43, 47, 53, 57, 123, 127, 148.
submitted resolutions, 31, 39, 45, 60, 96, 113.
tendered resignation as president, 35.
nominations made by, 36.
appointed on committees, 36, 111, 224.
introduced bills and memorials, 37, 44, 47, 66, 78, 96, 123, 127, 139, 148, 158, 165, 171.
submitted reports, 39, 48, 54, 73, 82, 84, 85, 124, 127, 131, 135, 153, 159, 173.

BROOKINGS, W. W.—*Continued.*
motions made by, 3, 31, 32, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 52, 55. 57, 58, 59, 60, 63, 64, 65, 66, 70, 71, 72, 74, 75, 76, 78, 81, 84, 86, 88, 89, 92, 93, 95, 104, 108, 109, 110, 112, 113, 117, 119, 120, 121, 122, 126, 129, 130, 134, 137, 138, 139, 140, 143, 144, 145, 146, 147, 149, 150, 151, 152, 153, 155, 156, 158, 162, 164, 167, 170, 171, 172, 173, 215, 218, 219, 220, 222, 223, 224.

BRYAN, MICHAEL
nominated sergeant-at-arms, 6.

CAMPBELL, C. F.
credentials presented, 7.

CARPENTER, AARON
nominations made by, 5.
motions made by 39, 147, 150, 224.
appointed on committees, 112.
submitted reports, 114.

COMMITTEES STANDING, 38.
on elections, 7.

COMMITTEES, STANDING, REPORTS OF.
elections—in case of Campbell *vs* Wood, 30.
elections—minority report of Campbell *vs* Wood, 31.
judiciary—on an act to incorporate Laramie City, 39.
counties—on house file nos. 2 and 3—39.
territorial affairs—on council bill 6—48.
judiciary—on house file no. 4—48.
judiciary—on council bill no. 10—54.
territorial affairs—on house file no. 17—54.
finance—on house file no. 12 and 13—55.
territorial affairs—on council bill no. 12—59.
highways—on house file no. 5—59.
counties—on house file no. 20—66.
territorial affairs—on council bill no. 6—67.
territorial affairs—on house file no. 24—68.
Indian affairs—on council bill no. 11—68.
enrolled bills—council bill no. 2—69.

COMMITTEES, STANDING, REPORTS OF—*Continued.*
finance—on council bills nos. 18 and 9—69.
agriculture—on house file no. 6—73.
judiciary—on council bill no. 16—73.
enrollment—on council bills nos. 11 and 2—79.
judiciary—on house files nos. 30 and 32—82.
public lands—on house file no. 16—83.
judiciary—on house file no. 25—85.
agriculture—on house files nos. 21 and 19—85.
judiciary—on house file no. 14—85.
education—on house file no. 9—96.
enrollment—on council bills nos. 15 and 12—96.
judiciary—on house file no. 7—97.
territorial affairs—on house file no. 27—109.
federal relations—on house file no. 34—114.
finance—on council bill no. 14—114.
highways—on house file no. 38—118.
counties—on council bil no. 13—118.
enrolled bills—on council bills nos. 19 and 21—120.
judiciary—on council bills nos. 22 and 10—124.
judiciary—on council bill no. 27—127.
enrollment—on council bill no. 16—128.
judiciary—on council bill no. 27—131.
enrollment—on council bills nos. 10, 20 & 23—134.
agriculture—on council bill no. 24—135.
judiciary—on house file no. 35—135.
enrollment, 140.
territorial affairs—152.
judiciary; agriculture; highways, bridges and ferries, 153.
education, 154.
Indian affairs; judiciary, 159.
enrollment, 160.
agriculture, 162.
enrollment, 164.
territorial affairs, 165.
enrollment, 168.
enrollment, 215.
enrollment, 221, 222.

COMMITTEES, SPECIAL,
to escort president to chair, 4.
on joint rules, 8.
on council rules, 8.
to wait on the governor, 8.
to escort house members to council hall, 11.
on council bill no. 2—28.
on council bill no. 9—71.
on council bill no. 17—76.
on house file no. 17—93.
on house file no. 28—111.

COMMITTEES, SPECIAL, REPORTS OF.
to wait on governor, 10.
to escort governor to joint convention, 12.
on standing rules, 25.
on joint rules, 25.
on bill to authorize the county commissioners of Yankton county to build a jail, 39.
on council bill no. 9—85.
on house file no. 26—115.
on council bill no. 24—120.
on house files nos. 27 and 17—135.
on council bills nos. 18 and 28—141.
on the revenue laws, 148.
on house file no. 28—160.
on railroads, 173.
on council bill no. 39—215.
to wait upon governor, 224.

COMMITTEE OF THE WHOLE.
on special order, 34.
on railroad matters, 49.
on bill concerning revenue, 71.

COMMUNICATIONS.
National Lincoln monument association—97.
report of territorial auditor, 98.
report of territorial treasurer, 103.
report of C. C. P. Meyer, engineer Y. & C. R. R., 131.
report of the chief engineer D. & N. W. R. R., 207.

COMMUNICATIONS—*Continued.*
report of the chief engineer of the M. & M. R. R., 210.
report of the chief engineer of the C. & Y. R. R., 212.
COUNCIL BILLS PASSED.
to authorize the commissioners of Yankton county to raise money to build a jail, 45.
a memorial relative to Indian affairs, 47.
to establish a code of criminal procedure, 54.
to regulate the fees of register of deeds, indefinitely postponed, 55.
a memorial relative to W. W. Brookings, 58.
a memorial for an appropriation to erect a capitol building, 60.
a memorial for a land office on Red river, 74.
a memorial for the removal of Fort Dakota, 79.
to relocate the territorial road to James river, 80.
a memorial for the extension of the S. C. & P. R. R., 86.
an act concerning revenue—lost, 89.
to incorporate the city of Yankton, 112.
for the relief of the poor, 116.
to reorganize the judicial districts, &c., 124.
to regulate chattel mortgages, &c.—indefinitely postponed, 126.
a memorial for a land grant to the Y. & C. R. R., 129.
defining the boundaries of counties, &c., 131.
to relocate the penitentiary, 136.
a memorial for a land grant to the M. & M. R. R., 139.
to regulate the fees of certain officers, 143.
to prevent certain male animals from running at large, 144.
relative to county commissioners and county clerks, 144.
relating to townsites, 149.
to prohibit certain animals from running at large in Lincoln county, 149.
concerning revenue, 150.

COUNCIL BILLS PASSED—*Continued.*

to prevent the sale of spirituous liquors in certain localities, 154.

to protect the citizens of Dakota and elevate the standing of the medical profession, 155.

vacating the lower territorial road from Yankton to James river, 158.

to provide for the payment of certain territorial warrants, 159.

authorizing the commissioners of Union county to keep in repair the Big Sioux bridge, 165.

for an appropriation for the enrolling clerks, 167.

a memorial for a wagon road from Yankton to Spirit Lake, Iowa, 171.

to attach certain portions of Dakota to second judicial district, 172.

to pay for pub. an act concerning revenue, 172.

to repeal certain acts of the legislature of Dakota, 216.

to relocate the penitentiary, 217.

to constitute the counties of Lincoln, Minnehaha, Brookings, Deuel, Todd and Gregory a representative district, 221.

EDWARDS, T. J.

nominated and elected fireman, 6.

took oath of office, 6.

ELECTION OF OFFICERS, 4.

ELECTIONS, CONTESTED

papers in Thomas–Wood case—referred, 7.

FOSTER, GEORGE I.

called council to order, 3.

called roll of members, 3.

FRALEY, HUGH

appointed on committees, 8, 112.

motions made by, 31, 93, 121, 161.

GREEN, R. R.

motions made by, 8, 34, 77.

called to chair, 172.

appointed on committees, 8, 36, 112.

gave notice of bills, 33.

submitted reports, 39, 118.

introduced bills and memorials, 44, 53, 171.

GOVERNOR'S MESSAGE, 12.
made special order, 24.
GREGORY, J. SHAW
motions made by, 12, 23.
appointed on committee, 12.
HOUSE FILES, FIRST AND SECOND READING—REFERRED.
to incorporate Laramie city—incorporations, 34.
to organize the county of Albany—counties, 34.
to organize the county of Carbon—counties, 34.
fixing the time of holding the supreme court—judiciary, 44.
repealing chapter 47 of laws of 1862–3—judiciary, 45.
a memorial for a weekly mail from Vermillion to Bloomingdale, 46.
concerning territorial roads—highways, &c., 51.
concerning lost goods and estrays—agriculture, 51.
to regulate the fees of register of deeds—finance, 52.
repealing the charter of the D. & N. W. R. R.—railroads, 52.
a memorial for a U. S. land office on Red river—public lands, 52.
a memorial for an appropriation to codify the laws—territorial affairs, 52.
granting permits for ferries on Red river—incorporations, 59.
to encourage the cultivation of timber—agriculture, 59.
to amend the act for vacating and changing highways—counties, 63.
to provide common schools—education, 64.
defining the rights of occupying claimants, &c.—judiciary, 64.
to prevent the firing of woods, marshes and prairies—agriculture, 64.
in relation to taxing real and personal property—territorial affairs, 64.

HOUSE FILES, FIRST AND SECOND READING—REFERRED—*Continued.*

to divide the township of Jefferson in Union county—Union county delegation, 75.
to provide for the partition of lands–judiciary,75.
constituting the counties of Carbon and Albany a part of the second judicial district–judiciary,75.
a memorial relative to the Pembina Indians—judiciary, 75.
a memorial for an appropriation to construct a wagon road on Red river valley—federal relations, 81.
defining the action of mandamus, &c.—judiciary, 109.
concerning lost goods and estrays, 109.
to prevent obstruction of highways—highways &c., 116.
to regulate the foreclosure of deeds of trust, &c. —judiciary, 128.
to promote immigration—territorial affairs—129.
authorizing county commissioners to levy a tax for bridges—highways &c., 136.
to amend the fence law; to establish a territorial library; to prevent the importation of Cherokee and Texas cattle; to vacate an alley in Witherspoon's Yankton, 145.
to amend section 16 of chapter 19 of the laws of 1867–8; to provide for the service of process in counties where no courts are held; supplementary to an act in relation to town-sites &c., 151.
providing for holding special terms of the district courts, 152.
authorizing the city of Cheyenne to fund its floating debt, 164.
a memorial for relief to certain destitute Indians, 219.
fixing the time for the treasurer and auditor to qualify, 219.

HAMPTON, A. N.
appointed on committees, 7, 224.
motions made by, 8, 24, 29, 32, 49, 126.
introduced bills, 140.
presented resolutions, 25.
submitted reports, 30, 48, 54, 58, 59, 68, 109, 118, 152, 153, 165.
HOYT, REV. M.
nominated and elected chaplain, 6.
HOISINGTON, P. M.
nominated and elected messenger, 6.
took oath of office, 6.
HOUSE FILES PASSED.
to organize the county of Carbon, 40.
to organize the county of Albany, 40.
to incorporate Laramie city, 41.
a memorial for a weekly mail from Vermillion to Bloomingdale. 46.
fixing the time of holding the supreme court, 48.
to increase the fees of Laramie county officers, 56.
a memorial to codify the laws of Dakota, 61.
authorizing permits for ferries on Red river, 63.
to amend an act for vacating highways, &c., 66.
in relation to taxing real and personal property, 70.
constituting the counties of Albany and Carter a part of the second judicial district, 82.
a memorial for the removal of the Pembina Indians, 82.
concerning territorial roads, 83.
for a U. S. Land Office on Red river, 83.
for the partition of lands, 86.
repealing the charter of the D. & N. W. R. R. —lost, 88.
to prevent the firing of woods, marshes and prairies, 89.
to encourage the growing and protection of timber, 89.
defining the rights of occupying claimants, &c., 89.

HOUSE FILES PASSED--*Continued.*

conferring upon women the elective franchise—lost, 93.
for the erection of additional land districts, &c., 109.
to provide common schools for Dakota Ter., 110.
repealing chapter 47, laws of 1862–3—112.
concerning lost goods and estrays, 115.
to divide the township of Jefferson, Union county, 116.
to construct a wagon road on Red river, 118.
to prevent obstruction of highways &c., 119.
to vacate certain streets and alleys, 122.
to amend an act to incorporate Cheyenne City, 124.
defining the action of mandamus &c., 125.
a memorial for an additional land district on the Missouri, 137.
repealing the charter of the D. & N. W. R. R., 137.
to regulate the foreclosure of deeds of trust &c—indefinitely postponed, 137.
a memorial for the survey of a portion of the Fort Randall military reserve, 146.
supplementary to an act in relation to town-sites, 151.
to vacate a portion of an alley in Witherspoon's addition, 156.
to provide for service of process in counties where no district courts are held, 157.
to prevent the importation of Texas & Cherokee cattle, 157.
to confer the elective franchise on women, 161.
authorizing the county commissioners to levy a tax for bridges, 161.
to amend the fence law, 163.
providing for holding special terms of the district courts, 168.
to authorize the city of Cheyenne to found its floating debt. 173.
a memorial for relief to certain destitute Indians, 219.
fixing the time for the treasurer and auditor to qualify, 219.

INTRODUCTION AND FIRST AND SECOND READING OF COUNCIL BILLS—REFERRED.

Council bill No. 1, a bill defining the qualifications for holding office in the territory of Dakota—judiciary, 28.

2, authorizing the commissioners of Yankton county to build a jail—special committee, 28.

3, a memorial relative to the Pacific Railroad—railroads, 37.

4, a memorial relative to surveys for canal—railroads, 37.

5, to repeal chapter 7 of laws of 1862–3—judiciary, 43.

6, to prevent the importation of certain cattle—territorial affairs, 43—recommitted, 68.

7, to repeal chapter 31 of laws of 1862—judiciary, 44.

8, to repeal chapter 30 of laws of 1862—judiciary, 44.

9, concerning revenue—finance, 44—committee of the whole, 70.

10, to establish a code of criminal procedure—judiciary, 44.

11, a memorial relative to Indian affairs, 47.

12, a memorial for a capitol building, territorial affairs, 51.

13, an act to reorganize the judicial district of this territory, and fixing the time holding the courts—counties, 53.

14, for the relief of the poor—finance, 54.

18, relating to county commissioners and county clerks—finance, 58.

15, a memorial relative to W. W. Brookings, 58.

11, (house substitute,) a memorial relative to Indian afiairs—Indian affairs, 64.

16, to amend the act to establish the courts of justices of the peace—judiciary, 65.

18, relative to county commissioners and county clerks—made special order, 70.

INTRODUCTION AND FIRST AND SECOND READING OF COUNCIL BILLS—REFERRED—*Continued.*

Council bill No. 17, to authorize the commissioners of Union county to pay for recording certain records, 76.

19, a memorial for the removal of Fort Dakota, 78.

20, to relocate the territorial road to James river, 78.

21, a memorial for the extension of the S. C. & P. R. R., 78.

22, a bill to incorporate the city of Yankton, 96—judiciary, 108.

23, to regulate chattle mortgages and bills of sale, 96—108.

28, to regulate the fees of certain officers, 96—finance, 108.

24, to prevent certain male animals from running at large, 112.

25, concerning fences and fence viewers—agriculture, 118.

26, a memorial for a land grant to the Y. & C. R. R., 123.

27, to define the boundaries of counties—judiciary, 125.

29, to relocate the penitentiary, 127.

30, a memorial asking for the removal of the Santee Indians, 134.

31, a memorial for a land grant to the M. & M. R. R., 139.

32, to protect the citizens of Dakota and elevate the standing of the medical profession, 140.

33, to prevent the sale of spirituous liquors in certain localities, 140.

34, relating to town-sites, 148.

35, to prohibit certain animals from running at large in Lincoln county, 148.

36, to provide for the payment of certain territorial warrants, 148.

37, concerning revenue, 149.

38, vacating the lower territorial road from Yankton to James river, 158.

INTRODUCTION AND FIRST AND SECOND READING OF COUNCIL BILLS—REFERRED—*Continued.*

Council bill No. 39, to repeal certain acts of the several legislatures of Dakota, 165.

40, authorizing the commissioners of Union county to keep in repair the Big Sioux bridge, 165.

41, for an appropriation for the enrolling clerks, 167.

42, a memorial for a wagon road from Yankton to Spirit Lake, Iowa, 171.

43, to attach certain portions of Dakota to the second judicial district, 172.

44, to pay for publishing an act concerning revenue, 172.

45, to constitute the counties of Lincoln &c. a representative district, 221.

JOINT RULES, 25.

JOINT CONVENTION, 11.

joint convention dissolved, 23.

JOLLEY, JOHN L.

appointed on committees, 12.

KELLOGG, GEO. W.

nominations made by, 4, 5,

motions made by, 7, 24, 28, 29, 31, 33, 34, 37, 39, 41, 42, 52, 58, 64, 68, 72, 75, 76, 77, 78, 88, 89, 93, 94, 109, 110, 111, 113, 117, 118, 120, 126, 138, 144, 156, 162, 165, 167, 169, 171, 216, 221, 223.

appointed on committees, 7, 8, 111, 223.

introduced bills and memorials, 43, 64, 165.

presented resolutions, 8, 24, 25, 44, 147.

gave notice of bills, 10, 37, 53, 61.

submitted reports, 31, 67, 115, 160.

LENT, W. E.

nominated for secretary, 5.

LEWIS, J. A.

appointed on committees, 8, 11, 12, 111, 112, 114.

motions made by, 9, 11, 25, 60, 217.

notices of bills, 29.

called to chair, 71.

submitted reports, 85.

introduced bills and memorials, 134.

MAUKSCH, ADOLPH
nominated and elected enrolling clerk, 5.
took oath of office, 6.
McINTYRE, CHAS. H.
presented resolutions, 8, 29, 78, 222, 223.
appointed on committees, 8, 28, 111, 223.
gave notice of bills and memorials, 73, 84, 139.
submitted reports, 10, 25, 34, 73, 85, 135, 153, 162.
motions made by, 30, 34, 36, 42, 52, 58, 61, 115, 121, 138, 146, 220.
called to chair, 34.
introduced bills and memorials, 54, 58, 96, 148.
McMILLAN, JAMES
nominated for assistant secretary, 5.
MESSAGES FROM THE GOVERNOR.
announcing approval of an act to authorize the county commissioners of Yankton county to raise money to build a jail, 81.
announcing approval of certain acts, 143, 166, 221, 223.
MESSAGES FROM THE HOUSE.
announcing permanent organization, 7.
announcing committee to wait on governor, 9.
relative to meeting council in joint convention, 11.
announcing passage of certain bills, 33.
announcing adoption of joint rules, 37.
announcing passage of certain house bills, 41, 45, 49.
announcing passage of council bill no. 2, and other bills and resolutions, 56.
announcing passage of council bill no. 11, and certain house files, 62.
announcing passage of certain house files, 63.
announcing adoption of resolutions concerning political matters, 64.
relative to house file no. 17—70.
announcing passage of house file no. 26—71.
announcing passage of house files, 73, 74.
announcing passage of council bill no. 12, and house file no. 34—80.

MESSAGES FROM THE HOUSE—*Continued.*
announcing passage of house file 23, and requesting conference committee, 87.
announcing passage of council bill no. 19 and 21, and house file no. 18—93.
anncuncing passage of house file no. 28—114.
announcing passage of house files, council bills and resolutions, 121.
announcing passage of certain bills, 128, 129.
announcing passage of council bill 26—136.
announcing passage of certain bills, 144, 146, 151, 153, 162, 163, 168, 169, 218, 224.
ORGANIZATION OF COUNCIL, 3.
RESOLUTIONS INTRODUCED.
concerning rules of council, 8.
for a committee on joint rules, 8.
for a committee on council rules, 8.
for a committee to wait on the governor, 8.
relating to adjournment, 9.
inviting house to meet in joint convention, 10.
for a committee to escort house members to council hall, 11.
ordering governor's message printed, 24.
relating to adjournment, 24.
tendering use of hall to historical society, 25.
tendering use of hall to Congregational society, 25.
ordering standing rules printed, 29.
adopting joint rules, 28.
ordering joint rules printed, 29.
in relation to contested case of Campbell *vs.* Wood, 32.
ordering standing committees printed, 39.
for a special committee to revise laws, 44.
instructions to committee on railroads, 45.
relative to memorials, 60.
inviting ladies to council chamber, 78.
excusing B. E. Wood for non-attendance, 78.
inviting ladies to council chamber, 87.
for a committee to revise revenue laws, 114.

RESOLUTIONS INTRODUCED—Continued.
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